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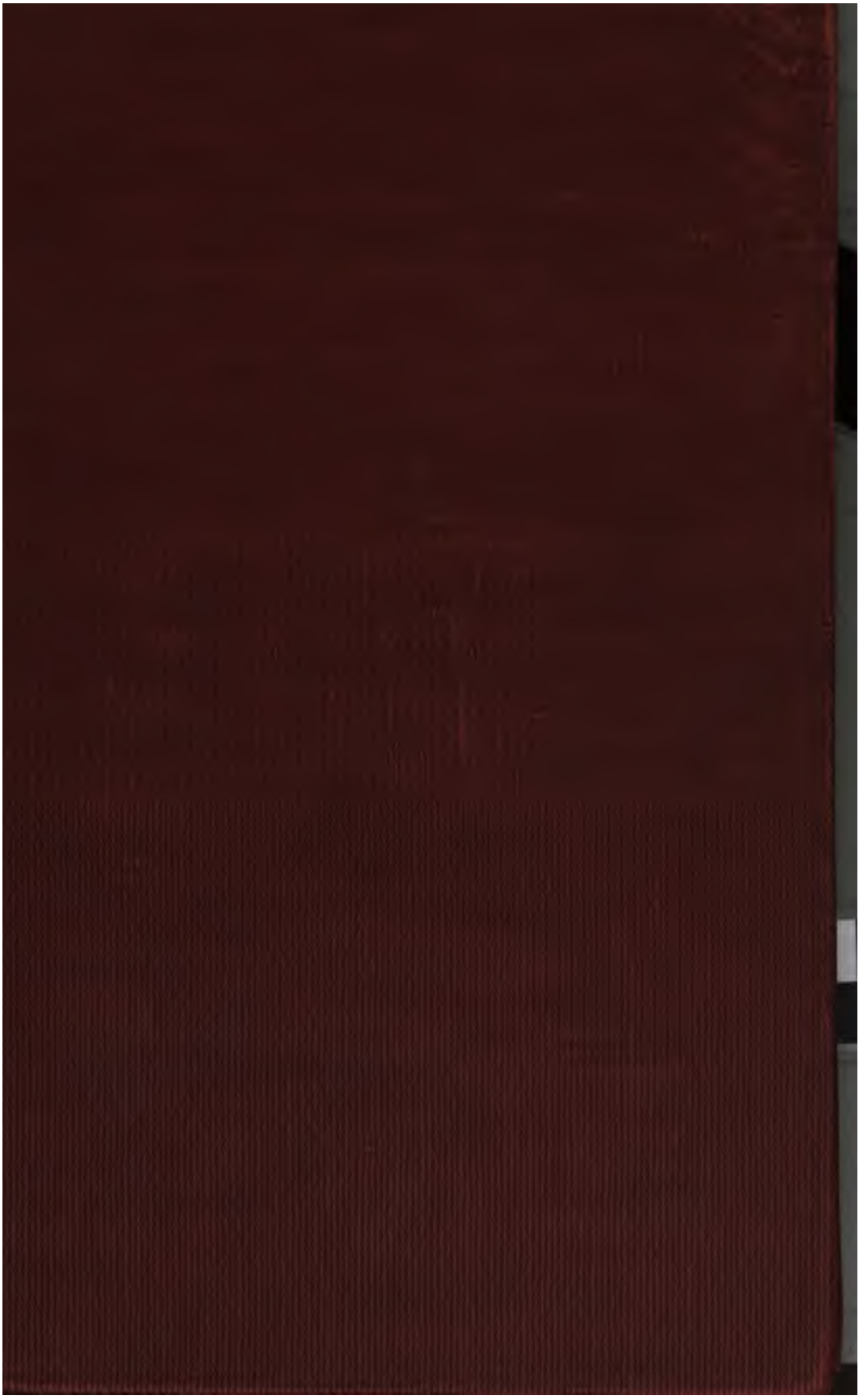

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THE VIRGINIA CONVENTION OF 1776.

A DISCOURSE

DELIVERED BEFORE

THE VIRGINIA ALPHA

OF THE

PHI BETA KAPPA SOCIETY,

IN THE CHAPEL OF

WILLIAM AND MARY COLLEGE,

IN THE CITY OF WILLIAMSBURG,

ON THE AFTERNOON OF JULY THE 3RD, 1855.

BY

HUGH BLAIR GRIGSBY.

[PUBLISHED BY A RESOLUTION OF THE SOCIETY.]

J. W. RANDOLPH,
121 MAIN STREET, RICHMOND, VA.
1855.

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DISCOURSE.

MR. PRESIDENT:

Before I proceed to the subject which I have selected for the present occasion, I cannot refrain from expressing my grateful acknowledgments to the society in which you preside, for the honor of admission into its ranks, and my delight at its re-establishment. The PHI BETA KAPPA SOCIETY, instituted more than two-thirds of a century ago within the walls of William and Mary by some of Virginia's noblest sons, and intertwining itself since with the most eminent colleges of the Union, has performed an office of incalculable importance in the history of American literature. The names of JOHN MARSHALL, BUSHROD WASHINGTON, SPENCER ROANE, JOHN NIVISON, the CABELLS, the STUARTS, HARDY, PAGE, COCKE, the BOOKERS, the SHORTS, and others, who laid its foundations, or were among its earliest members, deserve to be held in lasting remembrance.* The most eminent names in war and peace, throughout the Union, have been subsequently inscribed upon its rolls. Its annual gatherings constitute

* The names of the original members of the Phi Beta Kappa Society, established in Williamsburg on the fifth of December, 1776, are as follows:

John Heath,	John Nivison,	Thomas Savage,
Thomas Smith,	Hartwell Cocke,	John Page,
Richard Booker,	Thomas Hall,	William Cabell,
Armistead Smith,	Samuel Hardy,	John Marshall,
John Jones,	Archibald Stuart,	Bushrod Washington,
John Stuart,	John Brown,	Thomas Lee,
Daniel Fitzhugh,	D. C. Brent,	Landon Cabell,
Theodore Fitzhugh,	Thomas Clements,	W. Pierce,
John Starke,	Thomas W. Ballandine,	Richard B. Lee,
Isaac Hill,	Richard Booker,	William Madison,
William Short,	John Moore,	John Swann,
John Morrison,	Spencer Roane,	Thomas Cocke,
George Braxton,	William Stith,	Paxton Bowdoin,
Henry Hill,	W. Stuart,	Alexander Mason.
John Allen,	J. J. Beckley,	

the great literary jubilee of our country. Sir, I indulge the hope,—nay more than hope,—the firm and full belief, that its re-institution here, in the place of its birth, appealing, as it does, with irresistible power to our love of letters and to our love of country, is an omen of cheering import; that its star shall be obscured no more; and that, as the past generations beheld its genial light, so the generations to come will hail its influence sweetly and charmingly blended with the radiance of our venerable college, now and henceforth, with becoming pride and joy.

The scene before me suggested the subject to which I invite your attention. I was to speak in Williamsburg, the metropolis of the Colony, and the cradle of the young Commonwealth. I was to address a society instituted by some of the patriot fathers of the Republic. I was to speak before a college in which most of those patriot fathers were nurtured. I was to speak almost within the shadow of that sacred edifice in which those fathers so long worshipped, in which they bowed beneath the chastisements of the Ruler of Nations in fasting and prayer, at the altar of which they put forth their first and fervent supplications for the prosperity of the new Commonwealth which, under the guidance of Providence, they had been impelled to erect, and in which they invoked the aid of His countenance, who had guided their fathers over the waters, who had shielded them amid the dangers of the wilderness, and who had blessed them with prosperity and peace, to sustain them in the fearful contest in which they were engaged. And, as if the glory of that contest were inseparably connected with this ancient city in which it may be said to have begun, it was not far from hence that the last great battle of the Revolution was fought; it was here that the booming of the distant artillery was heard, as the red cross of St. George descended to the dust, and the stars of America and the lilies of France proclaimed to the distant beholder that the sceptre of Britain was broken at last, and the independence of our beloved country established forever.

I propose to treat of the Convention of Virginia, which assembled in the hall of the House of Burgesses in this city on the 6th day of May, 1776, and which framed the first Constitution of Virginia. If we regard the circumstances under which it assembled, the character of the men who composed it, the comprehensive and invaluable results which flowed from its action—results affecting

the destinies not only of this Commonwealth, and of the other States of the Union, but the world at large, its importance cannot be too highly enhanced. Indeed, such is the grandeur of the subject, that I might well shrink from undertaking it, and I truly wish it had been assigned to some one of those who are now before me, and whose genius and skill would invest it with that drapery which would so richly become it. But, confident in the goodness of my cause, and in full reliance on the magnanimity of this audience, I proceed to discuss it.

It is proper to recall the state of the times when the Convention assembled in this city. For more than ten years previously, the Colony had been full of anxiety and excitement. The financial embarrassments of England had become pressing, and her statesmen, having exhausted the resources of domestic taxation, felt constrained to look abroad for new subjects of revenue. Hence the series of measures which led to the Revolution. It ought not to be disguised, that the Colonies, especially Virginia, were attached to the parent country. Fears were indeed expressed at the British Court as early as the days of Charles the Second, that the New England Colonies were anxious to assume a republican form of government;* but full reliance was always placed on the fidelity of Virginia. The northern Colonies, occupying a sterile soil, were compelled, in self-defence, to engage in commerce and manufactures, and totally disregarded from the earliest period the navigation laws of Great Britain,† and traded wherever they pleased. But Virginia, whose inhabitants were engaged in cultivating a genial soil, and whose productions were readily sought by the ships of England, had few inducements to embark in a contraband trade, and never made any progress in forming a commercial marine of her own. Her connexion with England was consequently more intimate than that which existed between the New England Colonies and the parent country. Our population was also more nearly

* Diary and Correspondence of John Evelyn, Vol. II., 59. Anno 1671.

† See Sir William Berkeley's answers to the inquiries of the lords commissioners of foreign plantations, Hening, Vol. II., 511, and the Virginia Historical Register, Vol. III., 11. I cannot refer to the Register without bearing my testimony to the value of its contents, which are almost indispensable to a correct knowledge of our history. The precious letters and documents which it contains are worth all the leaves of the Sybils. No young Virginian should rest satisfied until he obtains a set of its six small volumes neatly bound, which may be had of the editor at the historical rooms in Richmond.

assimilated in manners and customs to that of England; for, with the exception of a few persons from Ireland, and from France during the troubles which ensued upon the revocation of the edict of Nantes, our emigrants were mainly from England and Scotland, and cultivated ample freehold estates of their own. Moreover, the established religion of England was also the established religion of the Colony; and, although perhaps, at no time did it embrace a majority of the whole people, it was heartily sustained by those who held the reins of colonial authority.* It was the pride of the Virginia planters to contemplate the power and glory of the mother country. They were descended from a common stock; they spoke a common language; they professed the same form of public worship; they enjoyed nearly all the benefits of a free government in the Colony, and were protected by the flag of Britain abroad. Some of the most intelligent statesmen of the Colony regarded Virginia as occupying the same relation toward the British Crown as was borne by Scotland before the union of that country with England, and holding the king as the common bond;† a doctrine which would seem to be sustained by the arms of the Colony on which were quartered those of England, Scotland, and Ireland, with the motto, *En dat Virginia quartam.* Nor was the pride of Virginia offended by the connexion. She believed that she gave an ample equivalent for the protection of the British flag in the profits derived from her commerce; for she thought that Great Britain might well protect that trade which she arrogated exclusively to herself. But when questions of a local nature were concerned, Virginia practically repudiated the interference of the British parliament. For one hundred and sixty-seven years she had levied her own taxes; and it was her boast that the poorest man in her dominion could not be required to pay a tax which had not been laid with his own consent given by his immediate representative. When the British ministry sought to disregard this principle, it is the glory of Virginia that she led the van in sustaining the common rights of the colonies. Her opposition carried with it a peculiar influence, and it was as decided as it was peculiar. The passage of the resolutions of the House of Burgesses in

* Mr. Jefferson estimated the opponents of the established church at the breaking out of the Revolution, at not more than one-half of the people.

† Mr. Jefferson and Mr. Wythe held this opinion. Jefferson's Works, Vol. I., 6.

1765, holding its sessions in this city, against the stamp act, was the first great blow which British supremacy received on this side of the Atlantic. The historian of America, as he records them on his pages, will delight to exhibit them as the first great act of the drama of the Revolution. Nor was this measure adopted until the usual modes of appeal had been pressed, and pressed in vain. Indeed so far from true was it, that independence was generally sought in the beginning of the troubles, that, to pass over proofs, the Convention of August, 1774, had met and adjourned; the Convention of March, of July, and of December, 1775, had also met and adjourned, without the expression of a single opinion in favor of independence. On the contrary, at the close of the Convention of July, 1775, the body published a "Declaration" to the people, which concluded with the following explicit statement of their views. "Lest our views and designs should be misrepresented or misunderstood, we, again and for all, publicly and solemnly declare, before God and the world, that we do bear faith and true allegiance to his majesty, George the Third, our only lawful and rightful king; that we will, so long as it may be in our power, defend him and his government, as founded on the laws and well known principles of the Constitution; that we will, to the utmost of our power, preserve peace and order throughout the country; and endeavor by every honorable means to promote a restoration of that friendship and amity which so long and happily subsisted between our fellow subjects in Great Britain and the inhabitants of America; that as, on the one hand, we are determined to defend our lives and properties, and maintain our just rights and privileges at every, even the extremest hazard, so, on the other, it is our fixed and unalterable resolution to disband such forces as may be raised in this Colony whenever our dangers are removed, and America is restored to that former state of tranquility and happiness, the interruption of which is so much deplored by us and every friend to either country."*

* Journal Convention, July, 1775, page 28. Mr. Jefferson in a letter to John Randolph, who had gone over with Dunmore, dated August 25, 1775, declares: "I am sincerely one of those (who wish for a connexion with England,) and would rather be in dependence on Great Britain, properly limited, than on any nation upon earth, or than on no nation." Works, Vol. I., 151. See also the letter of George Mason to Col. Mercer; Virginia Historical Register, Vol. II., 30; and Pendleton's sketch of his own life, in the archives of the Historical Society.

Although no ulterior object beyond the peace of the Colony was sought prior to the time of the assembling of the Convention in May, 1776, the people, in self-defence, had taken the government into their own hands; for a year had past since Dunmore, the royal governor, had withdrawn from this city; and the subject of independence had been discussed in private circles and in letters. The conviction was felt by our leading statesmen, that Great Britain intended to subdue the colonists at every hazard by force of arms, and, as it was plain that no foreign aid could be expected so long as the colonies were connected with the mother country, it was thought expedient to dissolve that connexion. Hence Richard Henry Lee, then in Philadelphia, wrote to Patrick Henry when he was about to take his seat in the Convention, exhorting him to propose a separation.* It should be observed that the battle of the Great Bridge had been fought more than four months before, and the military resources of the Colony had been drawn into requisition. And on the first day of the January previous, Dunmore had applied the torch to the borough of Norfolk, the great seaport of the South, and reduced it to ashes. Still, when the election of the members of the Convention was held, there had been no formal declaration by the people, as has been shown by Mr. Jefferson, of a desire to separate from England, and to establish an independent system of their own. Nor should it be forgotten, that the various non-importation enactments, which could only be defended as measures of peace, and which were wholly unwise, and even destructive, if reference were had to a war with England, remained in full force. Such was the state of things when the Convention assembled in the hall of the House of Burgesses in this city, on the sixth day of May, 1776.†

* I first saw this patriotic letter in December last, among the Henry papers at Red Hill, the seat of John Henry, Esq., the youngest son of Patrick Henry, where the great orator lived and died, and where his remains now repose. After a slight allusion to a letter which he had previously written, Lee begins: "Ages yet unborn, and millions existing at present, may rue or bless that assembly on which their happiness or misery will so eminently depend." The letter is dated April 20, 1776, and was unknown to the grandson of Lee, who wrote his life. I confess my obligations to Mr. Henry for the liberality with which he showed me all the papers of his father in his possession, and for his generous hospitality which I have so frequently enjoyed.

† As it is common to confound the House of Burgesses with the Conventions, the former of which bodies was elected by writs issued by the royal governor, and the latter by the act of the people themselves, it is proper to state than on the day of the meeting of the Convention, "forty-five members of the House

The crowd which filled the Capitol evinced the intensity of the public excitement. The most influential men from the neighboring counties, not then in office, had sought the city, and repaired early to the place of meeting. Mothers and daughters were to be seen in the hall and in the gallery, watching with deep interest a scene which was to affect their own peace and happiness, and the peace and happiness of those who were dear to them. They were anxious to behold the beginnings of that plan of government which was to be sustained by the wisdom and valor of their husbands, brothers, and sons, and in the maintenance of which they were ere long to be called upon to bestow, as a tribute to the treasury of their bleeding country, the jewels which in a happier hour had sparkled in the bridal wreath, or had reflected the purity of the bosoms which bounded beneath them.

We may readily imagine the feelings with which the members themselves took their seats in that ancient hall. Many of them had sat in the House of Burgesses for a long series of years, and had often heard with pride the words of the British king spoken by his representative. Thirty years before, that hall had resounded with the congratulations of the Burgesses, when the victory of Culloden had sealed the fate of the Stuarts, and fixed firmly on the British throne that Hanoverian dynasty which they were soon to shake off.* And seventeen years before, some of the members then present had raised the voice of thanksgiving when Wolfe on the Heights of Abraham had crushed the power of France, whose aid they were shortly to invoke. How different was the prospect before them! The sceptre of British rule was now to be broken, and forever. Yet there were emotions of a tender kind which agitated their bosoms. When last they assembled in full session in that hall, the manly form of PEYTON RANDOLPH had filled the chair. His elegant person, his imposing address, the high place which he held in his profession and in the public esteem, the ability and dignity with which he had filled, for the past ten years, the chair of

of Burgesses met at the Capitol in this city; but thinking that the people could not be legally represented under the ancient constitution, which had been subverted by the king, lords, and commons, they unanimously dissolved themselves accordingly." See the Virginia Gazette of that date in the library of Virginia.

* The House of Burgesses called the first county created after the battle of Culloden, in honor of the Duke of Cumberland.

the House of Burgesses, were freshly remembered; while the tempered zeal with which he engaged in the contest in which the country was now embarked, and which concentred on himself the confidence of all parties, his honored and patriotic career in the General Congress in which he was unanimously called to preside, the wisdom and firmness which he displayed in the Conventions of March and July, 1775, in both of which he presided, the resolution with which he persisted in the public service in spite of feeble health, and which elicited from the Convention of July a mark of acknowledgment as rare as it was delicate and becoming,* all heightened and softened by the recollection of his sudden death a short time before in a distant city, while engaged in the service of his country; falling, too, at a crisis when his peculiar caste of character and admirable talents were so much needed by his compatriots, appealed with overpowering force to every heart. Although averse from precipitate action even in a good cause, and not indisposed to discountenance the strong measures which were urged by younger statesmen, he yet enjoyed the unlimited confidence of the two great parties, which had for some years past been gradually assuming a distinct form, and had always been elected to the prominent offices which he held by an almost unanimous vote. His career had been a remarkable one. As early as 1748, ere he had attained his twenty-fifth year, he was appointed Attorney General, and performed faithfully the duties of the office until 1766, when he succeeded on the death of Speaker Robinson to the chair of the House of Burgesses, of which he had long been a member, and was successively elected to that high station until the body was superseded by the Conventions of the people. Of the first Virginia Convention which was held in August, 1774, in this city, he was unanimously elected President.† He was at the head of the Committee of Correspondence. His name stood first on the roll of delegates appointed by that body to the General Congress,

* Journal Convention, July, 1775, page 18. The Convention invites him by a resolution to retire from the chair, that he might recruit himself for the labors of the approaching Congress, of which he was President.

† I regret that I cannot put my finger upon the list of the members of the Convention of August, 1774, A list of the twenty-five members of the House of Burgesses who met in this city and convoked the Convention, may be found in Purviance's, "Baltimore during the Revolution," page 135, and a sketch of the doings of the Convention itself may also be seen in the same work, page 169.

above that of a Washington, a Harrison, a Bland, a Pendleton, and a Henry. And when the Congress assembled, he was unanimously elected its President. Although he may be said to have died early, as he was in his fifty-second year only, when in October, 1775, he was stricken with apoplexy, he had been nearly thirty years in the public service. In person he was tall and stately, of a grave demeanor, and was more distinguished, as a lawyer, by the soundness of his learning and his accuracy of research, than by the elegance of his language or by the mere graces of delivery. Sprung from a family, whose wealth, accumulated by an industrious but uncultivated ancestor who had emigrated to the Colony about the close of the previous century, had been wisely expended in the education of its members, who successively for a long series of years attained to the highest honors of the Colony, he superadded to his really great qualities the prestige of a name; so, that he was one of those fortunate men, who from considerations accidental as well as intrinsic, become honors, and whom honors become. Even the unfortunate adhesion of his brother to the royal cause—an attachment which led him to forsake his native country, and to spend the short and sad remnant of his life among her enemies—and which would have cast suspicion over ordinary men, tended by the force of contrast rather to elevate than depress him in the estimation of the people. Men of William and Mary! he was peculiarly your own. It was in this city that he was born. It was at the breast of your venerable parent he drew his early nurture, and it was from her lips he learned those lessons of patriotism and piety, which have encircled his name with unfading honor. It was, in later life, as the immediate representative of your interests in the House of Burgesses, that he founded some of his highest claims to the gratitude of his country. And it is within the precincts of this sanctuary, beneath the platform on which I stand, and by the side of his father, whose marble tablet, placed more than a century ago on that wall, looks down on the graves of his race, that his honored ashes now repose.* As I behold that spot, a mournful vision rises

* The Virginia Gazette of the 29th of November, 1776, says: "On Tuesday last the remains of our amiable and beloved fellow-citizen, the Hon. Peyton Randolph, Esq., were conveyed in a hearse to the College Chapel, attended by the worshipful brotherhood of Free Masons, both houses of Assembly, a number of other gentlemen, and the inhabitants of the city. The body was received from the hearse by six gentlemen of the House of Delegates, who conveyed it to the family vault in the Chapel; after which an excellent oration was pro-

before me. A few rapid years have passed since the burial of Peyton Randolph, and these boards were again displaced. In a fresh grave were slowly lowered in silence and in sadness the mortal remains of a man who was the boast of this college and the pride of Virginia, who had worthily worn the highest legal honors of the Colony, who had forsaken his country in the hour of her trial, and who had paid in a foreign land the penalty of a broken heart. JOHN RANDOLPH, the son of that Sir JOHN, whose marble image has so long adorned your hall, separated in the convulsions of a great crisis from his patriot brother, then rested once more by his side.

When the time arrived for calling the Convention to order, a member rose in his place and proposed JOHN TAZEWELL as its clerk. This eminent and excellent man had been conspicuous in the preparatory movements which led to the call of the several Conventions, and had been a member of the memorable association of 1770. He studied at William and Mary, was bred to the law which he prosecuted with success, and subsequently under the constitution he was elected a judge of the General Court. On the assembling of the second Convention in Richmond, in March, 1775, he had been unanimously elected clerk, and filled with fidelity a station which was second only in dignity and influence to that of the speaker, and which a Wythe before and an Edmund Randolph afterwards deemed not unworthy of their ambition. He was also elected clerk of the Conventions of July and December of the same year.* When the clerk had taken his seat, the election of a presiding officer came up in course. Heretofore in the appointment to public office there had been, since the beginning of the troubles, entire unanimity in the Colony. Peyton Randolph had always been elected to the chair of the House of Burgesses and of the Convention of which he was a member, by an unanimous

nounced from the pulpit by the Rev. Thomas Davis, in honor of the deceased, and recommending it to the respectable audience to imitate his virtues. The oration being ended, the body was deposited in the vault, when every spectator paid the last tribute of tears to the memory of their departed and much honored friend. The remains were brought from Philadelphia by his nephew, Edmund Randolph, in pursuance of the orders of the widow."

* Judge John Tazewell died in Williamsburg, I am informed, in 1781, and was buried in the church yard of that city. No stone marks his grave—a remark which applies to most of the graves of our early statesmen.

vote;* and Robert Carter Nicholas, who succeeded him *pro tempore* in the Convention of July, 1775, was also elected unanimously. The election of Edmund Pendleton to the chair in the Convention of the previous December, was also unanimous.

But a new feeling had been recently roused in the Colony. An incident, which created much unpleasant excitement, and which threatened at one period serious consequences to the army, had recently occurred. The great orator of the Revolution, who had been appointed by the Convention of July, 1775, to the command of the military forces of the Colony, and who was anxious to lead his countrymen to the field, had been virtually superseded by the Committee of Safety. Of this committee, Pendleton was the head, and was held responsible for its action. It was believed that if the party of which Henry, who was a memher of the House, was the representative, should unite upon a candidate of their own for the office of President, Pendleton, who was a candidate for re-nomination, would lose the election. Under these circumstances, RICHARD BLAND rose to address the House. His grey hairs, which were to him truly a crown of honor, his tall and manly form slightly bowed beneath the weight of years, his striking and even handsome face, which is still to be seen in his portrait at Jordan's, mutilated though it be by the bayonet of a British vandal, his bright blue eyes, now weak with age, and protected by a green shade, his distinguished position as a leader and member of the House of Burgesses for nearly the third of a century, and his brilliant reputation as the ablest writer in the Colony, might well make an impression even on that august assembly. He proposed the name of Pendleton, and resumed his seat. ARCHIBALD CARY, of whom we shall presently speak, seconded the motion. Up to this moment, although much dissatisfaction with the conduct of the Committee of Safety had been expressed privately and in print, it was not certainly known that there would bé a formal contest for the chair. But all doubt was instantly dispelled when JOHNSON of Louisa appeared on the floor. The county from which he came, the very name which he bore, settled the question. It was the county of Louisa which

* When Peyton Randolph was first nominated in 1766, to fill the vacancy in the Speaker's chair made by the death of Col. Robinson, R. H. Lee nominated Col. Richard Bland in opposition; but his subsequent elections were unanimous. See Journal House of Burgesses, of November 6th, 1766.

Henry represented when he offered his resolutions against the stamp act. It was a Johnson who had resigned his seat in the House of Burgesses, that Henry might succeed him.* Of all the opponents of the party of Pendleton for the past ten years, the Johnsons were the most ardent and uncompromising. They were men of a fierce temperament, and were utterly fearless in the expression of their opinions.† As a personal friend of Henry, Thomas Johnson felt acutely the indignity with which it was urged he had been treated by the Committee of Safety, and he was unwilling that Pendleton, whom he held bound for the action of the committee, and who was then at its head, should so soon receive so signal a mark of the public favor. He proposed THOMAS LUDWELL LEE for the chair, and was sustained by BARTHOLOMEW DANDRIDGE. But here, as throughout a life protracted far beyond the limit of the Psalmist, and spent to its latest hour in the public service, the fortunate star of Pendleton prevailed.‡ He was re-elected, and escorted by Richard Bland and Archibald Cary, was led to the chair. Nor could the honor of the presiding office have been conferred more wisely. How far his reputation was involved in the difficulty with Henry, will be presently discussed. As a parliamentarian, he had no equal in the House; a superior nowhere. He had been a leading member of the House of Burgesses for five and twenty years, was familiar with all its forms, and was admirably skilled in the dispatch of its business. If his knowledge of our early charters did not equal that of Bland, it was more than respectable, and with the British statutes bearing upon the Colony, and with the acts of Assembly, he was fully conversant. And in an intellectual point of view, as one of the most accomplished speakers of the House, he imparted honor to the chair. Nor were his

* The Journals of the House of Burgesses for the session of 1765, spell the name *Johnston*, but I am inclined to believe that the name is Johnson. Mr. Wirt says that Johnston resigned to give place to Henry, while the Journal states that he vacated his seat in consequence of accepting the office of coroner. Journal House of Burgesses, 1765, page 99.

† An incident will illustrate the character of one of the Johnsons. He had uttered an oath in debate in the House of Burgesses, which was promptly followed by an order that the offender should receive the reprimand of the Speaker, which that officer pronounced on the spot in due form. As soon as he ended, Johnson, who had risen to receive the reprimand, set up a loud whistle, which brought down the house in a roar of laughter, and converted the whole affair into a farce.

‡ The Journal gives the result, but does not state the vote.

physical qualities at all inferior to his intellectual. He was fully six feet in height, and was in the vigor of life, having reached his fifty-fifth year; his face still so comely as to have won for its possessor the reputation of being the handsomest man in the Colony; his noble form yet unbent by that fearful accident which, in less than twelve months, was to consign him to the crutch for life; lithe and graceful in all his movements; his manners polished by an intercourse of a quarter of a century with the most refined circles of the metropolis and of the Colony; his voice clear and ringing, so that its lowest note was heard distinctly throughout the hall; and a self-possession so supreme as to sustain him in the fiercest collisions of debate as if in a state of repose. Of such a man it may be safely said, that in whatever view we choose to regard him, and whether we look abroad or at home, a more accomplished personage has rarely presided in a public assembly.

Before taking his seat, Pendleton made his acknowledgments to the house in a few plain sentences, which have come down to us, and which, simple as they seem, eminently display his skill as a politician. The adroitness with which he regarded his election as a fresh mark of the public confidence, the scrupulous care with which he kept out of sight the subject of independence, which he well knew the party of Henry intended to bring forward, and the zeal with which he pressed the topics which in a state of flagrant war demanded the immediate attention of the house, were as keenly felt by his opponents as they were applauded by his friends.*

It is gratifying to observe, that one of the first acts of the Convention was the appointment of a chaplain, whose duty it was to open its sessions with prayer. And on the second day of the meeting, the chaplain, the Rev. THOMAS PRICE, was requested to preach a suitable discourse in the Episcopal church in this city, on the Friday week following, in compliance with the resolution of the Congress, which had set apart that day as a time of fasting and prayer throughout the Colonies. Nor was the observance of so grave a religious ceremony a mere matter of form. Some of the few letters of the patriots of that day, which have come down to us, and which, if not worth all the classics, are invaluable for the purposes of history, show the spirit in which such days were kept.

* Journal Virginia Convention, May, 1776, page 5.

The members not only attended in person, clad in mourning, and marching in procession to the church, preceded by the sergeant of arms bearing the ancient mace in his hand, but required their families at home to follow their example.*

It would be unjust to overlook the diligence with which these eminent men performed their public duties. The house was opened first at nine in the morning, and afterwards at seven, when the chaplain read prayers. The letter of a member of the Convention, who was also a member of a previous one, affords us a glimpse of the daily routine. "The committees met at seven, and remained in session until the hour of nine, when the Convention assembled, which rarely adjourned until five in the afternoon. After dinner and a little refreshment, the committees sit again until nine or ten at night." † The writer speaks of the difficulties that beset the members: difficulties, indeed, but from which, great as they were, those noble patriots did not shrink, but with which they manfully grappled, and which, under the guidance of a kind Providence, they overcame, crowning their work with that independence which they were about to declare, and with that happy plan of government which they were now about to establish.

Let it be kept in mind, that the Convention not only performed the ordinary duties of the legislative department, but, while in session, those of the executive also. Thus it received and answered the letters of the highest military officers in the public service, and the letters of the members of Congress. Hence, from the extreme pressure of business mostly of an executive kind; for it must be remembered that Dunmore was still on our waters, and that it was not till several days after the adjournment of the Convention, that he was driven from his retreat at Gwin's Island by the artillery of the gallant Lewis; it was not until *the fifteenth day of May*, after long and solemn deliberation in committee of the whole, that two resolutions, which were in every view the most important ever presented for the consideration of a public body, were reported to the house, and unanimously adopted. As these resolves have been

* A letter of George Mason, written on the occasion of a fast, and recently brought to light, enjoins it upon his household that they should attend the services in the church near Gunston Hall, and that his three sons and two daughters should appear in mourning. Mason to Cockburn, Virginia Historical Register, Vol. III., 28.

† Virginia Historical Register, Vol. II., 23.

rarely drawn from the journals in full, and recorded in the histories of the period, and as they constitute the first declaration of independence, I quote them at large:

"Forasmuch as all the endeavors of the United Colonies by the most decent representations and petitions to the king and parliament of Great Britain, to restore peace and security to America under the British government, and a re-union with that people upon just and liberal terms, instead of a redress of grievances, have produced, from an imperious and vindictive administration, increased insult, oppression, and a vigorous attempt to effect our total destruction. By a late act, all these Colonies are declared to be in rebellion, and out of the protection of the British crown, our properties subjected to confiscation, our people, when captivated, compelled to join in the murder and plunder of their relations and countrymen, and all former rapine and oppression of Americans declared legal and just. Fleets and armies are raised, and the aid of foreign troops engaged to assist these destructive purposes. The king's representative in this Colony hath not only withheld all the powers of government from operating for our safety, but, having retired on board an armed ship, is carrying on a piratical and savage war against us, tempting our slaves, by every artifice, to resort to him, and training and employing them against their masters. In this state of extreme danger, we have no alternative left but an abject submission to the will of those overbearing tyrants, or a total separation from the crown and government of Great Britain, uniting and exerting the strength of all America for defence, and forming alliances with foreign powers for commerce and aid in war. Wherefore, appealing to the SEARCHER OF HEARTS for the sincerity of former declarations expressing our desire to preserve the connexion with that nation, and that we are driven from that inclination by their wicked councils, and the eternal laws of self-preservation:

"*Resolved, unanimously*, That the delegates appointed to represent this Colony in the General Congress, be instructed to propose to that respectable body, to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this Colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming

foreign alliances, and a confederation of the colonies, at such time and in the manner as to them shall seem best; *Provided*, the power of forming government for, and the regulations of the internal concerns of each Colony, be left to the respective colonial legislatures.

"*Resolved, unanimously*, That a committee be appointed to prepare a DECLARATION OF RIGHTS, and such a plan of government as will be most likely to maintain peace and order in this Colony, and secure substantial and equal liberty to the people."*

The subsequent history of the first resolution, which instructs the delegates of Virginia in Congress to propose independence, is known to all. The proposition was made in Congress in nearly the words of the resolution, by Richard Henry Lee, who was gallantly upheld by John Adams, whose eloquence and unfaltering courage, as they were the admiration of his own age, so they will be cherished in all time to come. The Declaration of the Fourth of July followed in due time; and it may be recorded as a fortunate incident in our history, that, in a contest sustained with equal zeal by the chivalric men of all the colonies, she was the first to instruct her delegates to declare independence, that the declaratory resolution adopted by Congress was drawn and offered by one of her representatives, and that the public appeal to the nations of the earth in the form of a declaration of independence, was drafted by another.

It is becoming to observe that, when the resolution instructing the delegates in Congress to propose independence was adopted by the Convention, the result was welcomed by the people of Williamsburg with every demonstration of joy. Thus, amid the ringing of bells and the thunder of artillery, the jocund shouts of the young and the cordial congratulations of the old, the kingdom passed away, and independence was assumed.† While this animated scene was enacting without, the eye of the reflecting observer beheld in the Convention an eloquent remembrancer of the

* Journal of the Convention 1776, page 15. In a letter to R. H. Lee, dated May 18, 1776, in the archives of the Virginia Historical Society, Geo. Mason criticises with some sharpness the wording of the preamble.

† The Virginia Gazette of the 17th of May, 1776, gives an animatad account of the rejoicings. The resolution was read to the army in the presence of Gen. Andrew Lewis, who, a few days later, was to drive Dunmore ignominiously from our waters, the Committee of Safety, the members of the Convention, and the people at large; and a feast was spread for the soldiers in Waller's grove. At night the city was brilliantly illuminated.

past. The ancient silver mace, once the superb and princely symbol of imperial power, now the trophy of a people resolved to be free, rested on the table of the clerk.

It has been seen that at the same time the Convention instructed the delegates in Congress to propose independence, it adopted a resolution appointing a committee to frame a declaration of rights, and a plan of government for the State. Accordingly a committee consisting of over thirty members most distinguished for their wisdom and ability, Archibald Cary at their head, was appointed by the chair;* and on the twenty-seventh of May, Mr. Cary reported to the house a Declaration of Rights, "which he read in his place, and afterwards delivered in at the clerk's table, when the same was again read, and ordered to be committed to a committee of the whole Convention." From the twenty-seventh of May to the eleventh of June, the Declaration of Rights was discussed at intervals in committee of the whole; and on the latter day it was ordered that the declaration with the amendments be fairly transcribed, and read a third time; and the day after, the fifteenth of June, it was passed unanimously. And on the twenty-fourth of June, Mr. Cary reported a "plan of government," which was read the first time, and ordered to be read a second time. It was passed over on the twenty-fifth, discussed on the twenty-sixth and twenty-seventh, and on the twenty-eighth was reported with amendments to the house, and ordered to be read a third time; and on the TWENTY-NINTH OF JUNE, the first written constitution ever framed by an independent political society, was adopted by an unanimous vote.

And here, let me add, it is in the spirit of just exultation that William and Mary may contemplate the fact, that the statesman who was probably the author of the Virginia declaration of independence, from whose lips the declaration of rights was first heard in a public assembly, and who reported the first written constitution of a sovereign state known among men;† and that the states-

* The committee consisted of the following gentlemen: Mr. A. Cary, Mr. Meriwether Smith, Mr. Mercer, Mr. Henry Lee, Mr. Treasurer, (R. C. Nicholas,) Mr. Henry, Mr. Dandridge, Mr. Gilmer, Mr. Richard Bland, Mr. Digges, Mr. Paul Carrington, Mr. Thomas Ludwell Lee, Mr. Cabell, Mr. Jones, Mr. Blair, Mr. Fleming, Mr. Henry Tazewell, Mr. R. Cary, Mr. Bullitt, Mr. Watts, Mr. Banister, Mr. Page, Mr. Starke, Mr. David Mason, Mr. Adams, Mr. Read, and Mr. Thomas Lewis. And at a later day, as they arrived in the city, Mr. Madison, Mr. Rutherford, Mr. Benjamin Watkins, Mr. George Mason, Mr. Harvie, Mr. Curle, and Mr. Holt.

† I attribute the preamble to the resolutions proposing independence and the

man who drafted the eloquent preamble of that constitution, and the immortal charter of our liberties, the American declaration of independence, were among her cherished sons.

As the claim of Virginia to the honor of having first declared independence, has been recently disputed, it is our duty, assembled as we are, in the very city where that declaration was made, to see how the case stands, and to defend her fair fame from any unjust pretension, come it from any quarter it may. On the fifteenth of May, 1776, she formally instructed her delegates in Congress to propose independence, and on the twenty-ninth of June, she declared in the most solemn manner on the preamble of her constitution, that the ties which had previously bound her to the British crown, were thenceforth dissolved. But it has been urged that the people of the county of Mecklenburg in our sister State of North Carolina, made a regular declaration of independence on the twentieth of May of the preceding year, thus anticipating the action of Virginia by a twelve month. All honor to the patriots of Mecklenburg! The names of her Alexanders, of Brevard, of Polk, of Balch, of Kennon, and of others, deserve to be held in grateful remembrance. Nor were the gallant sons of Carolina content with words. Before the close of that very year they rushed to the defence of Virginia, who was suffering from the piratical warfare of Dunmore, and joining Woodford after the handsome affair of the Great Bridge, marched in triumph to Norfolk, where the combined forces under the Carolinian Howe, taught Dunmore a lesson which he did not soon forget. A resolution adopted by our Convention of 1775–6, will proclaim to future times the high sense entertained by that body of the services of the gallant Carolinians.* But, Mr. President, while I rejoice to acknowledge the patriotism and valor of North Carolina, displayed then and since on our own soil, and while I shall concede, for the present at least, that the good people of Mecklenburg did adopt on the twentieth of May, 1775, certain resolutions which reflect the highest credit upon them; still I must be permitted to doubt whether those resolutions contained, as alledged, a declaration of a formal and absolute independence of

formation of a plan of government to Archibald Cary, from internal evidence. Neither R. H. Lee nor Mason had then arrived; and as Cary was chairman of the committee, it is probable that, if he be not the sole author, he gave it its present shape.

* Journal Virginia Convention of 1775–6, pages 74 and 81.

the British crown. That the people overturned the royal government in their county, that they denounced every man a traitor who should hold or accept a commission from the king, that they drew up some regulations for their temporary government, and that they *acted* independence, if they did not formally declare it, I am quite willing for the present to concede; but I must confess that all the evidence yet accessible by me, does not quite convince me that there was a regular declaration.* It is true that the resolutions purporting to have been then and there adopted, do make such a declaration; but I am inclined to think that there has been some mistake in the case, which I shall proceed to surmise. You will see at once, sir, that if the original manuscript or a printed contemporaneous copy could be produced, the question would be settled at once. But unfortunately no such copy can be found, and we are referred to two copies, one of which is supposed to be more genuine than the other, is generally put forth as the true copy, which was discovered among the papers of one of Carolina's most distinguished sons, the late Gen. Davie, and which is now said to be on file in the state department at Raleigh; and the other copy, which is the first printed one known to exist, is contained in the history of North Carolina by Martin, who was once governor of that State. Now, sir, apart from the changes in the tenses of verbs, such as "abets" in one copy and "abetted" in the other, there are in the first short resolution of each copy *nine* words that are not in both; and in the Davie copy of the first resolution, we find the insertion of the ominous words "inherent and inalienable," which have made the foundation in part of the charge of plagiarism against Mr. Jefferson, and which do not appear at all in the Martin copy which, as before observed, was the first that appeared in print. The first resolution of the Davie copy contains forty-five words; the same resolution in that of Martin, forty only, showing a difference of one-eighth of all the words in the resolution. In the second, there are in the Davie copy sixty-two words; in that of Martin fifty-seven, and there are ten words, or more than one-sixth of the whole, that do not appear in both resolutions. In the third, there are in the

* The subject of the Mecklenburg declaration has lately been discussed with great ability by the Rev. Dr. Hawks, in a lecture delivered before the Historical Society of New York. This lecture has been published in book form, with the discourses of Governor Swain and Mr. Graham on North Carolina history, by Mr. Cooke of Raleigh, 1853.

Davie copy sixty-seven words; in that of Martin fifty-eight only; and there are six words not to be found in both copies. In the fourth, there are in the Davie copy fifty-eight words; and in that of Martin thirty-six only; but, though the substance of the resolution is the same, the words are almost wholly different. In the fifth, there are in the Davie copy one hundred and nine words, and in that of Martin eighty-five only; and, though on the same subject, they differ almost entirely in their phrascology. A sixth resolution, which requires the proceedings of the meeting to be sent "to the Continental Congress assembled in Philadelphia, to be laid before that body," and which would point out a source to which we might refer for a contemporaneous copy, appears in the Martin copy, but is absent from the more graphic copy of Davie.

Now I am free to confess that the substance of the two series of resolutions is the same in both copies; but the remarkable fact to which I would call attention is, that it is palpable not only that neither series was copied from the other, but that the copies from which they were taken must also have differed as widely from each other, and thus we go back to almost to the date of the resolutions themselves; for it is admitted that the Martin copy was obtained prior to 1800, and it is urged by the friends of the resolutions, that the Davie copy was in existence as early as 1793. So there is a point of time eighteen years only after their date, when the different copies clashed precisely as they do now. What, Mr. President, is the plain inference from such a state of facts? Why, sir, that both cannot be true copies of the original; and that, when we consider the early clashing of the copies, that neither is a true copy. If I were allowed to form an hypothesis in such a case, it would be that the original was probably destroyed or lost at or near its date; that, as time drew on, and the clouds of war rolled over—when the fame of the great American declaration was diffused abroad, and its phrases had become stereotyped in the common mind, public attention was drawn to the proceedings of the Mecklenburg meeting of the twentieth of May, and that an effort was made to supply the lost document from the memoranda or the recollections of those who were present at the meeting; and, as they brought to the task a perfect familiarity with the phrases of the great declaration, so they unconsciously adopted them in their paper; and hence the resemblance in certain forms of expression to that instrument. Nor do

I impute fraud or collusion among the parties. On the contrary, they may have been so fully convinced that they had succeeded in restoring the original document that, in the lapse of time, the fact of its loss was forgotten altogether, and one or other of the existing copies was regarded as such.

But I may be asked what can I say of the fourteen* witnesses residing in different states, who testify some forty or fifty years after the date of the meeting, that there was a formal declaration of independence. I answer at once that I believe them to be true and honest patriots, who have served their country in their day and generation, and whose lightest lock I would not lift irreverently from their honored temples for all the vexed questions in political history. And when they testify to a fact which is a legitimate subject of parole testimony, I would believe them as soon as any other fourteen men on the face of the earth. Thus, when some of them declare that there was a public meeting held in the county of Mecklenburg, on the twentieth of May, 1775, though I might be able to show from other sources that it was the thirtieth instead of the twentieth on which the meeting was held, I admit at once that they declare what they believe to be true, and that their testimony, though not conclusive as to the day of the meeting, would seem to be conclusive that there was a meeting about that time; but, when they testify on the strength of mere memory, after the lapse of almost half a century, concerning the peculiar phraseology of a series of abstract resolutions which they had heard read from the steps of a court-house, and which they never saw in print, and which indeed were not printed for years after their date; and when it is considered that those who obtained their affidavits, honorable and conscientious men as I concede them to be, regarded their testimony as deciding a question in which family and state pride was enlisted; and when, so far as I know, no one who doubted the authenticity of the resolutions was present to freshen the recollections of these old men; the case is altered, and I apply strictly to their testimony the same rule applicable to human testimony under such circumstances. Now, I assert that such testimony cannot be conclusive. Those venerable men might well remember that at a given period resolutions were offered, which struck down the royal

* Dr. Hawks' Discourse.

government, and established an independent system in its stead, which organized the military forces of the county of Mecklenburg, and which denounced vengeance on all who upheld the authority of the king; and that the people were ready to maintain the new system, if need be, with their lives. I say that these aged patriots might well remember that the people *acted* independence, whether they used the form of a declaration or not, and put forth their resolutions of a corresponding tenor; and hence they called the change a declaration of independence, which indeed it was, but only as the action of all the states at that time may be said to have declared independence. At the date of the Mecklenburg meeting, Virginia was practically as much a self-governing and independent state as she now is. The Convention of August, 1774, had met and adjourned. The Convention of March, 1775, had met, had organized the military forces of the Colony, beside making other preparations for the approaching crisis, and had adjourned. These aged men might readily have confounded such revolutionary proceedings with a formal declaration of independence of the British crown. At all events, none holds the honor of these worthy witnesses in higher repute than I do.

But, let me ask, why were not these famous resolves printed? The proceedings of the same committee which is said to have framed them, adopted ten days after, were duly emblazoned through the northern and southern press, and a printed copy of them, by the way, was enclosed by the royal governor in a letter, which Mr. Sparks recently saw, to the state department in England. It is urged that the resolutions of the twentieth were too violent for publication; but the resolves of the thirtieth were printed, which embraced an entire plan of government, and contained the distilled essence of treason, the punishment of which was death; and, as no greater punishment than death can be inflicted upon the same persons, it is not easy to tell why one set of resolutions, which may be said to be primary and authoritative, should not be published as well as the other which followed as a matter of course. Well, sir, the resolutions of the twentieth were ordered by the meeting, according to one of the copies, to be laid before Congress, and it is in testimony that the messenger who is said to have carried them to Philadelphia, and who, by the way, did not set out, it would seem, until after the thirtieth of May, and took with him the pro-

ceedings of that day, deposited them, as he states, in the hands of the Carolina members. Why were they not reported to Congress, and spread upon the journals? There would be no danger from such a publication, as Congress always sat with closed doors; and surely a body which was busily engaged in subverting the royal authority by armies in the open field, had nerves strong enough to bear the resolves of the people of the county of Mecklenburg. Why were they not shown to Mr. Jefferson or to John Adams, both of whom declare that they never heard of them until almost half a century after their date? If the miserable charge of plagiarism urged against Mr. Jefferson may lead the fanatic to undervalue his testimony, surely that of John Adams, the Colossus of independence, is unimpeachable.

I have argued thus far, Mr. President, against the authenticity of the Mecklenburg declaration of the twentieth of May, on the ground of the clashing between the two copies which have come down to us, of the incompetency of witnesses after a lapse of near half a century to prove any precise words in a series of resolves which they had never seen in print, and which they had merely heard read at a public meeting, and on other considerations. I now take the position that it is not only not true that a formal declaration of independence was made at the time and place aforesaid, but that it is impossible to be true. Fortunately for the cause of sober history, the same body of men who are reputed to have made the Mecklenburg declaration of an absolute independence of the British crown on the twentieth of May, 1775, prepared an elaborate and admirable series of resolves, which were designed as a plan of government for the county of Mecklenburg, and which were read to the people on the same spot, on the thirtieth of May, or ten days after the date of the supposed declaration, and were published far and wide. Now, sir, there is not a more established rule of evidence in the interpretation of public documents than that which ascertains their meaning from a comparison of the opinions expressed at or about the same time under the same circumstances or in the different stages of the same case. Let us apply this rule to the resolves of the Mecklenburg committee, published on the thirtieth of May, the authenticity of which is placed beyond all doubt. A learned professor of this college has recently pronounced the constitution of Virginia, framed by the Convention of 1776, the

first written constitution of a free state in the annals of the world;* and he has said truly. But why did he make such an assertion? Had not South Carolina formed a plan of government before the date of that instrument? Assuredly she had. Had not New Hampshire done the same thing? Yes, sir, she had. How comes it then that our professor asserts for Virginia a priority of claim above her sister states to such an honor? Simply because in the plans of government formed by the states aforesaid, they limited the existence of their constitutions until such time as the difficulties with the mother country should be settled: thus recognising by such a limitation the right of eminent domain in the British crown. With this distinction in view, let us look at the resolves of the thirtieth of May, by the Mecklenburg committee. And here, sir, I cannot express myself too warmly in favor of the superior skill with which these resolves are drawn. They deserve to rank among the first compositions of the great era in which they appeared, and which they adorn. The beauty of their diction, their elegant precision, the wide scope of statesmanship which they exhibit, prove incontestibly that the men who put them forth were worthy of their high trust at that difficult crisis. They well knew the progress of the controversy with the mother country, and the temper of the times. The resolves are as formal and as regular a plan of government for a county, and almost as much in detail as our own constitution, (adopted a twelve month afterwards,) was for a state. And let me say they are from the pen of Ephraim Brevard, an exalted patriot, who, not content with the use of words however gracefully in his country's cause, embarked at once in the military service, and in his capacity as surgeon was taken prisoner at Charleston, and was at last dismissed on parole, but not until he had contracted a disease of which he died soon after his return home. Sir, if North Carolina, like our own Virginia, were not too backward in testifying by overt acts her regard for her departed patriots, one of the first questions an American would ask on entering her beautiful metropolis would be: where is the monument to Brevard? Well, sir, this paper, drawn with such consummate skill, speaks for itself, and will speak forever. It discloses all the purposes and plans of the committee. Now what does it say of a declaration of indepen-

* Discourse before the Virginia Historical Society in 1852, by Prof. Washington.

dence alledged to have been made ten days before? Does it recognise in its elaborate provisions a previous formal declaration? It is as silent as the grave on the subject. *There is no allusion to a previous meeting at all.* So far as the face of this paper shows, there never was such a previous meeting for independence or for any thing else. But this is not all. It is not only silent on the subject of a previous declaration, but shows that it is impossible that any such declaration could have been made. For it adopts the course of South Carolina and New Hampshire, and almost their words, and provides in the eighteenth resolve "that these resolves shall be in full force and virtue until instructions from the provincial Congress (colonial assembly) regulating the jurisprudence of the *province, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America;*" thus recognising in the plainest terms the right of eminent domain in the British crown. Now, sir, when we reflect upon the character of the men, and observe the admirable policy prescribed by the resolutions, is it not clear that if they had made a deliberate declaration of independence only ten days before, they would still have maintained their ground, or, if they thought proper to sound a retreat, would have offered some shadow of apology for their retrograde movement? Sir, the case is palpable enough. *They never made any such formal declaration at all.* Hence there was no occasion either for retraction, or for an allusion to a previous meeting. Let us suppose that the declaration had really been made; let us suppose that the shout which we are recently told by an eloquent divine on the announcement of the declaration had rent the sky, had really made all the confusion in the upper regions which he said it made, what would have followed when the same Col. Polk, who read the supposed declaration, again appeared after an interval of only ten days before the same excited multitude, and read a paper which recanted all the high talk about an absolution of allegiance, and which brought the people back again under the heel of the British king—that very king who had been employing that interval in slaughtering their brethren, and in filling our cities and our seas with a hireling soldiery? Sir, no sooner had the recreant words been uttered, than the click of a hundred triggers would have greeted the ears of the traitor. And, if he escaped alive, it would have been only to bear a name as infamous as that of Monteith in the land of their

Scottish ancestors, or as that of Arnold subsequently became in our own. But no such thing happened, and for the best of all reasons, —there had been no previous declaration; and the patriot Polk received, as he deserved, the hearty congratulations of his friends and neighbors. Now then the whole affair of the Mecklenburg declaration resolves itself into this: either there was no declaration, or there was. If there was none, there is an end of the matter; but, if it was made, then was it ignominiously recanted ten days after it was made, by the very men who made it, on the spot where it was made; aye, in the presence of the very same people who are reported to have hailed it with enthusiastic applause, and who meanly uttered the same demonstrations of joy when they were again reduced ten days after under the vassalage of the British king; and the declaration having been thus recanted by those who made it, lost its value as a chart of honor, and can no longer be exhibited as the Prima Charta of a great commonwealth, and the most precious of her patriotic gems. Thus, sir, it is seen, that even if there had been such a declaration, as assuredly there was not, it is a worthless and withered thing, and not to be introduced into decent history in comparison with the authentic acts of other states on the same subject. Now, if I were disposed to imitate the example of the most violent advocate of the Mecklenburg declaration,* and intermix with a purely patriotic theme the rancor of personal and political prejudice, might I not go on and affirm, on the strength of the well known maxim of the law—*falsum in uno falsum in omnibus*—that, as the resolution of the twentieth of May about independence was never adopted, so none of its associate resolutions were adopted? And might I not go a step farther, and deny that there was any meeting at all on the twentieth of May? The main proof that is brought to show that there was a meeting on that day—for the resolutions themselves, even if they were genuine, as they have no date, prove nothing—is the parole testimony of five or six old men† who testify their belief that their was a meeting held on that day, and who, after such a lapse of time, might naturally enough have confounded the twentieth with the thirtieth of May, when a glorious meeting was really held, and thus have made a mistake of ten days in forty years. For, if there was such

* Jones in his "Defence of North Carolina."

† Dr. Hawks' Lecture,

a meeting, what did it do, and why the necessity of another meeting ten days after? And might I not carry the war of retaliation still farther, and accuse all those honorable men who have upheld the genuineness of the declaration with their testimony, their aiders and abettors, as so many conspirators against the truth of history and the rightful claim of Virginia to her primal honors in the cause of independence, which for almost half a century she had gracefully worn, and which, it now appears, so far as the Mecklenburg declaration is concerned, she will wear forever? And, if it were alledged that so many reputable people as those who testify in favor of the declaration and argue in its defence cannot be deceived, might I not point to the story of the Ossian fraud in the history of the land from which the ancestors of the Mecklenburg people, and some of the people themselves, came—a fraud that was sustained by the learned and the ignorant alike, by the professor from his chair and by the peasant in his hovel? Could I not show that there were thousands of men in every station of life ready to swear, and did swear, that they had heard in their infancy the wild rant of McPherson, and to lay down their lives in defence of the authenticity of Ossian? And could I not point out, as an apt coincidence, that a learned Scotch theologian,* as a learned and eloquent North Carolina theologian has recently done in the Mecklenburg affair, put forth a most elaborate argument in defence of the bard of the mountain and the mist? And might not I charge, as was charged against Scotland, that the whole people of Carolina were banded together to maintain *per fas aut nefas* their title to what they deem their most distinguished honor? But, sir, I will use no such language, and for the best of all reasons—it would not reflect my feelings. I know too well the tendency of the human mind in its highest and best estate to err, and how frail the recollections of men are after a lapse of years, and I love and venerate the memory of the patriots of North Carolina with that large and overflowing measure which they deserve from every American heart. And especially would I refrain from words of recrimination, because I should be imitating an example which I would most studiously avoid, of the most strenuous advocate of the Mecklenburg declaration in the wanton harshness and bitter personal enmity with which he has assailed Virginia's greatest statesman, who was educated

* Dr. Blair in his dissertation on Ossian,

within your walls, and whose name is the proudest and most glorious ever recorded on your rolls.

In closing this branch of our subject, let me speak a word to our Carolina friends in the spirit of respect and friendship. Drop the Mecklenburg declaration so called. If it is false, it is unworthy of the regard of all honest men; and, if it be true, it impugns the courage and wisdom of your purest patriots, and derogates from the majesty and grandeur of the noble resolutions of the thirtieth of May. These are ample enough to fill the measure of the loftiest patriotism. Fall back upon them, or rather advance to them; and with these in her hand, North Carolina may take what place she pleases in the history of our common country.

But there is another claimant for the honor of the first declaration of independence, who has recently appeared, and whose title, taken from the record, is pronounced indisputable. And whom do you take this new claimant to be? Why, sir, she is a sovereign state, and the very one of all the sisterhood of states whom I would wish to wear the honor, if Virginia is at last to lose it from that brow which for almost eighty years it has so well become. It is none other than North Carolina herself, appearing this time not as the representative of one of her counties, but in her proper person and in her own right. And are we, Mr. President, to lose the honor at last? Is that precious treasure which our dear departed fathers valued so highly, and thought so safe, to be taken from us at this late day, and forever? Well, let it go. Let Carolina wear it as worthily as her elder sister has worn it, and we will not complain. Still, before we part with it, it is at least becoming to look into the title of her who claims it. Here it is. In the same lecture before the New York Historical Society, in which Dr. Hawks defends with so much ability the Mecklenburg declaration, this eloquent son of Carolina, who though no longer a resident within her limits, cherishes her glory with truly filial affection, produced a resolution of the provincial Congress of that State on the subject of independence adopted on the twelfth of April, 1776, which is a month earlier than the resolution of Virginia, which I not long since read, instructing her delegates in Congress to propose independence. Here it is:

"Resolved, that the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other

Colonies in declaring independence, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing delegates from time to time, (under the direction of a general representative thereof,) to meet the delegates of the other Colonies."

Are you satisfied? Will you give up the ship? After all our trouble in tripping that buxom daughter of Mecklenburg, are we to have the *old woman* come down upon us with a vengeance after all? One thing is certain. We cannot fight this resolution with dates. Nor can we impugn its authenticity. These points are settled by the undoubted record. What shall we do? At all events, before we strike our flag, let us look our foe fairly in the face. When he had read the North Carolina resolution, the accomplished lecturer proceeds to say: "This, we repeat, is the first open and public declaration for independence, by the proper authority of any one of the Colonies, that can be found on record." Now, sir, with all due deference, I deny that this Carolina resolution is any declaration for independence at all. The Carolina Congress, so far from declaring independence, does not even instruct its delegates in general Congress to bring it forward. Nor is this all. It not only fails to instruct the delegates to bring forward a declaration, but even to vote for one when brought forward by others. The resolution contains no instruction whatever. All that it pretends to do is to confer on the delegates in Congress a naked power of *concurring* with others in declaring independence, provided, always, that the delegates choose to assume the responsibility of so doing. So far as this resolution is concerned, if the declaration had not been made to this hour, and the Carolina delegates had abstained from bringing forward a proposition in favor of one, they would have kept within its legitimate scope; and if a declaration had been brought forth by others, and the Carolina delegates had unanimously refused to sustain it, they would still have acted within the scope of the resolution, which gives them the naked power of voting for a declaration, but throws the whole responsibility of the act on the delegates, who might or might not assume it as they thought proper. Nay, so far as this resolution is concerned, the Carolina delegates, even though all the delegates from the other states had assented to the declaration, might have withheld their assent up to this very hour of the fifty-fifth year of the nineteenth century, and yet complied

fully with all the requisitions which it imposed upon them. That the terms of the resolution are not casual or accidental, but were drawn with considerate caution, may be inferred from one fact, among others, that the body which passed it had voted down a proposition in favor of independence at a preceding session, when, by the way, one of the Mecklenburg committee which is said to have declared independence on the twentieth of May of the previous year was present, and helped to vote down the resolution for independence. That the Carolina resolution was drawn with deliberate caution, is supported by contemporaneous testimony, and was a common topic of remark by our fathers at the time. Thus a writer under the signature of Aristides in the Virginia Gazette of the thirty-first of May, 1776, calls attention to the manifest distinction between the resolution of North Carolina, which merely empowers her delegates to vote for independence at their own will and pleasure, and the resolution of Virginia which peremptorily instructs her delegates to propose independence whether they are willing or not. This writer remarks: "The two Carolinas (so it seems that South Carolina comes in for her share of honor as well as North) have agreed to *concur* in all measures that may be approved by Congress for the general welfare of the American empire. Virginia ALONE stands up, and gives the great example with positive orders to her delegates to vote for independence at all events." The resolution of North Carolina was then well understood at the time, as assuming no responsibility on the subject of an immediate declaration, but as throwing it upon her delegates, who might or might not assume it as they pleased. Should they assume it, then and not till then did her responsibility begin. That her delegates were not likely to be too forward in their action, both Mr. Jefferson and Mr. Adams bear significant testimony.* The decided tone of the Virginia resolution settled the subject at once. The resolution for independence was instantly brought forward by one of her delegates, and was in due time adopted. There was no

* I mean not the slightest reflection on the patriots who composed the North Carolina delegation, and Professor Tucker has shown that Mr. Jefferson did not use the words which have given so much offence in the sense imputed to them; but the letters of Jefferson and Adams show that they did not regard the North Carolina delegation as eager for independence. It was a question of time, on which the purest and ablest patriots differed, and might well differ. South Carolina voted against the resolution of Congress, declaring that the Colonies were free and independent.

shrinking from instant responsibility, there was no delay, but prompt and conclusive action followed. With this fair representation of the whole case, may we not safely affirm that the resolution of North Carolina, which was in fact no positive declaration at all, which did not even enjoin upon her delegates to sustain independence when proposed by others, and which was well known by our fathers, and regarded for what it was worth, can never be brought into comparison for a moment with the bold and timely movement of Virginia? And am I not right in concluding that Virginia may continue to wear the honor of the "first open and public declaration for independence by the proper authority of any one of the Colonies that can be found on record," until some more potent claimant shall arise to take it from her? And may I not say to the eloquent Carolinian, that he must first hunt up some other act of his beloved State, duly spread upon the record, which she has performed, or some downright and instant responsibility which she has assumed in favor of independence, prior to the fifteenth day of May, 1776, before she is entitled to bear away from our venerated mother the laurel which she has worn so long? And let me tell him that, when such a case is fairly made out, Virginia will not higgle upon trifles; but, as she has freely and magnanimously given vast principalities to be divided among her associate states, so she will be ever ready to unbind her own laurels, and twine them with her own fingers about the brow of a worthier sister?

If I may appear, Mr. President, to have dwelt too long on the topics which I have discussed, it must be remembered, that if Virginians will not take the trouble of preserving the glory of their ancestors intact, nobody will perform the office in their behalf; and although I am quite willing to confess, that, whether our fathers performed a noble action on one day or another is comparatively unimportant, yet, as other states have embarked in the race of dates, and are ready to found upon them high claims to public consideration, it is only fair that the case of our own state be plainly set forth, fully conscious as we are, that it will speak for itself. And, if the reputation of Virginia is to be defended, what ground is more appropriate than that which we are now treading, what place more becoming than beneath the roof which sheltered the infancy of many of those eminent men who wrought out her independence, and of others who have since illustrated her name with unfading

honor, and within the limits of this city where stood her ancient capitol in which she first defied the power of the British king, from which she sent forth her resolution for independence, in which she laid the foundation of the young Commonwealth, and beside the moral grandeur of which the proudest structure ever reared by human hands vanishes as the vision of a dream?

When the Convention adopted on the twenty-ninth of June the new constitution, the members proceeded immediately, in pursuance of its provisions, to elect a governor, a council of state, and an attorney general.* PATRICK HENRY, Jr., as he was then called—for his venerable uncle of the same name, who had kindly retired at his request from the court ground at Hanover when the young orator was about to make his debut in the parson's cause, who lived to see his namesake take up his abode in the palace heretofore occupied by the representatives of the British king, and who made him the executor of his will, still survived—Patrick Henry was elected the first Governor of the Commonwealth by a majority of fifteen votes over Thomas Nelson, the elder, who received forty-five; a result which probably showed the state of parties as they existed at the commencement of the session. A committee of several members, at the head of whom was GEORGE MASON, was appointed to inform the governor of his election, which duty they promptly performed, and reported his acceptance in the form of a letter to the house, which is a graceful specimen of his style, and which is remarkable as the first paper from the chair of an American executive, which contains the magical words now so familiar to us all—"the Commonwealth of Virginia," and "fellow-citizen." A man of the times, he seems at once to have fallen into the peculiar phraseology of the new era; but, as the letter is to be found in Wirt and in the Journal of the Convention, I shall not trouble you with it for the present.

Within five days after the election of the governor and council, and when the body had dispatched a large amount of current business—for, as I have said, up to this period it was the legislative,

* The names of the council were John Page, Dudley Digges, John Tayloe, John Blair, Benjamin Harrison, of Berkeley, Bartholomew Dandridge, Thomas Nelson, and Charles Carter, of Shirley. Thomas Nelson declined serving on account of his infirmities, and Benjamin Harrison, of Brandon, was next day elected in his stead. Edmund Randolph was appointed Attorney General. The salary of the Governor was £1,000, that of the council to be apportioned according to attendance, £1,600, and that of the Attorney General £200.

and, when in session, the executive of the Colony, and, among other things, had adapted the liturgy to the new state of things, approved the design of a common seal, and provided that the constitution should be "published in the respective parish churches and meeting-houses for two Sundays successively, immediately after divine service;" the Convention adjourned on the fifth of July. And it ought to remind us of the fleeting nature of our mortal existence, when we reflect that of all who aided in forming the constitution, and of all who heard it proclaimed in the churches, not a solitary survivor remains. And even the constitution itself has passed away, but not until it had fulfilled its office, and for half a century had diffused the blessings of liberty and law over a free, a great, and a happy people.

It is high time, sir, that we become better acquainted with the individual members who composed the Convention; and I confess that this is the main point of view in which I would present my subject, feeling, as I do, most painfully, that their memory, which ought to be as lasting as the hills, as living as the streams, and as fresh as the flowers of the lovely land which they have bequeathed to us, is fast fading from the public mind. Let us look at the members as they are sitting in solemn assembly. You see at once that it is an august body. You mark, indeed, a variety of character in those manly faces and in those stalwart forms, and a various costume. You can tell the men who come from the bay counties and from the banks of the large rivers, and who, from the facility with which they could exchange their products for British goods, are clothed in foreign fabrics. You can also tell those who live off from the great arteries of trade, far in the interior, in the shadow of the Blue Ridge, in the Valley, and in that splendid principality out of which the county of Botetourt had been lately formed and named in honor of the popular and lamented Berkeley, but which still stretched onward to the Mississippi, and was called West Augusta. These are mostly clad in homespun, or in the more substantial buckskin, which so early and so long gave a name at home and abroad to our people.* The well powdered wig, you see, with its

* The worthy Mrs. Glass, the tobacconist, in the Heart of Midlothian, proposes to send the unfortunate but beautiful Effie Deans to her Virginia correspondent Ephraim Buckskin, Esq., who had left with her a standing order for a wife. Many members of the assembly up to the present century wore buckskin breeches. John Clarke, of Campbell, wore them to the last. The last

graceful curls and ample proportions, was freely worn. That on the head of the great orator of the assembly looks rather the worse for wear. Some of the members, you perceive, still cling to the cocked hat; others have native hunting caps in their hands, and others again, who are young and dressy, wear those conical hats that you see on the heads of the members of the House of Commons in the paintings of the time of the Protectorate, and which were now coming into vogue.* The sword, which had been worn in the House of Commons in the days of Sir Robert Walpole, had gone out of fashion, except on high state occasions; but many of the members from the interior had come to the city well armed; for they had heard that Norfolk had been burned to ashes three months before by Dunmore, who controlled the waters of the Colony, and who might peep in upon them in this city merely to see what they were about. If you look more closely at the members, you will be struck with their noble stature. You mark their dignified mien, their high bearing. There are one hundred and twenty-eight in all, and one hundred and twenty-eight finer looking men are rarely seen together. Their courage, their intelligence, their patriotism, their physical capacity to endure the toils of war which some of them were to court, and the trophies of which some of them were to win, were calculated to inspire the people with resolution to prosecute the great contest to which they were now fully committed. There were, indeed, some aged men, better fitted for the council than the field, and of these we shall presently speak. Whence, do you inquire, did this band of patriots come? From what stock did they spring? Whence that devoted spirit of liberty, that ennobling love of country, which was impelling them to the

pair of buckskin breeches that I have seen, belonged to the wardrobe of the late John Randolph, of Roanoke. They were elegantly made, evidently by a London tailor.

* Mr. Madison wore one of the conical hats, and was so unfortunate as to have it stolen from the passage of a house in Williamsburg, where he was visiting. He used to tell how embarrassed he was by the loss of his hat at a time when from the non-importation laws it was difficult to supply its place. By the way, as far as I have been able to ascertain, the House of Burgesses, though studi ously observant of all the forms of the House of Commons, never adopted the practice of wearing hats during the session. Nor did the chairman in committee of the whole take the chair of the speaker, but sat at the clerk's table. And when the house was in committee, the mace was taken from the table of the clerk and placed beneath it. And it may be observed here, that the members of the different Conventions took no oaths; while the members of the House of Burgesses always took the oaths taken by the members of the House of Commons.

field against the most formidable nation of the earth, rather than pay a trifling tax on tea—an article which many of them would have scorned to taste?* O! that the history of such a race were worthily written. O! that our historians, instead of beginning and ending with the acts of the beggarly governors who for a century and a half were sent over to fatten on the revenues of the Colony, and calling such a record Virginia's history, had looked to the races from which this glorious stock had risen, their high spirit, their burning patriotism! These writers tell us that these noble qualities have been derived from a class of men who came over from time to time, few and far between, and under the name of cavaliers sought a livelihood in the Colony. Miserable figment! Outrageous calumny! Why, sir, the cavalier was essentially a slave—a compound slave—a slave to the king and a slave to the church. He was the last man in the world from whom any great elemental principle of liberty and law could come. He was as incapable of transmitting such a principle to others, as he was of conceiving it himself. It is true that some of this class did come over at intervals. Some came with the gallant JOHN SMITH; but, when he found out how worthless they were, he implored the Virginia company to send no more. Even the gallant Smith himself left the Colony after a short sojourn, and was soon followed by PERCY, whom the first honors of the colony could not tempt to remain within its borders.† But when the great gold shipment turned to dross, the cavalier came no more. A home in the wilderness, to be cleared by his own axe, and guarded by his own musket against a wily foe, was no place for the voluptuary and the idler. The size of the

* Tea was used by the great families of the seaboard, and in some of the wealthier ones in the interior; but its use was not general. As it was costly, it became a proverb when a family accustomed to use it fell into pecuniary troubles, "*so much for drinking tea.*" I have seen the early silver spoons introduced into Charlotte county. They would be lost in a modern cup. Coffee in time became the favorite beverage, but was used sparingly. There are persons now living who remember when in wealthy families coffee was used on Sunday mornings only. In the early days of Hampden Sidney College, neither tea nor coffee was used. In this, as in many other instances, habits and customs brought over by the colonists survived long after they were dropped in the mother country. If the present generation be inclined to associate meanness and poverty with the absence of tea and coffee, it should be remembered that neither was used at the magnificent banquet at Kenelworth, which Leicester gave to Elizabeth, and which some of the first colonists may have seen.

† We are indebted to Conway Robinson, Esq. that a fine portrait of Percy, copied from the original in the possession of the Duke of Northumberland, now adorns the hall of the Virginia Historical Society.

farms patented before the civil wars shows that they were cultivated, if not by the personal labor, at least under the immediate and constant supervision of their owners. During the civil wars some of the cavaliers fled hither, as they did to other parts of the world, from the edge of that Anglo-Saxon sword which was wielded so effectually in defence of the liberties of England;* but, when that contest was over, and British freedom had fallen by the treason of its friends, many of those ardent supporters of despotism in church and state returned to their old home as a more congenial place for them. Sir, I look with contempt on that miserable figment, which has so long held a place in our histories, which seeks to trace the distinguishing and salient points of the Virginia character to the influence of those butterflies of the British aristocracy, who, unable to earn their bread at home, came over to the Colony to feed on whatever crumbs they might gather in some petty office, or from the race-course, or from the gaming table, instead of regarding those distinctive traits as the legitimate results of a great Anglo-Saxon people placed in a position of all others best adapted to the full and generous development of their peculiar virtues. The secret of our colonial character lies far deeper. If you will look into the reigns of Henry the eighth and Elizabeth, you will find some of the causes which led to the settlement of Virginia. For a long series of years the domestic policy of England, as distinguished from its civil and political, had been assuming a form most odious to the bulk of the people. The effect of that policy was to make the rich richer, and the poor poorer. The tenure of villenage was indeed abolished; but this privilege tended to make things rather worse than better; for every man was bound to maintain himself and his family in a country in which almost every foot of land belonged to the church, to the nobility, or to the king. But what greatly added to the embarrassments of the poor was the comparative abandonment of tillage by the wealthy proprietors, especially during the reigns of Henry the eighth and Elizabeth, and the laying down all the best lands in pasturage.† Hume tells us that a single farmer would own four and twenty thousand sheep,

* If the reader wishes to see a curious group of cavaliers who had fled to Virginia in 1649, let him consult Col. Norwood's Voyage to Virginia. Va. Historical Register, Vol. II, 136.

† Consult Hume, reign of Henry the eighth.

and that laws were repeatedly enacted to restrain a policy which threw the laboring population almost wholly out of employment, but were enacted in vain. It was when this obnoxious policy had wrought its effect, that the Colony of Virginia was open for settlement. During the existence of the Virginia company, which controlled emigration, the rush of the people to the new world, though their attention had been awakened on the subject, had not fairly begun; but when the charter of the company was withdrawn, and before 1670, the human tide began to flow in a deeper and wider stream than had yet been seen in the history of European colonization. In 1670, when the population of the Colony did not exceed forty thousand persons, of whom two thousand only were slaves, Sir William Berkeley deposed in his answers to the lords commissioners of plantations, that the annual number of emigrants for the seven previous years reached fifteen hundred;* a wonderful emigration, when we reflect upon the tonnage of the ships of that day, and surpassing in proportion that which is now crowding to our shores. And let me say in passing that, if we look to the history of the times, we may fairly presume that among the emigrants, as is freely confessed by Beverley when it suited his purpose so to do, were many of those brave men who had served under Cromwell, and whose backs, as has been truly said, no enemy ever saw.† This was in the regular course of events. But when some great political commotion occurred in England, such as the Monmouth rebellion,‡ when some great calamity raged, as the plague in London, the number of emigrants was proportionally enhanced. At such a rate of addition as stated by Berkeley, the population of the Colony, including the native increase, would double itself in a very short time. And who were these emigrants that crowded to our shores? Were they cavaliers, with their soft hands complained of by Smith as unknowing of the axe, and with their pack of trumpery fashions on their backs? O! no, sir. Their good-natured but unprincipled and ungrateful monarch was now on his throne. The mouldering remains of the greatest character in peace and in war which England had ever known were torn from the grave and chained to the gibbet. Hard work had no charms for men who

* Va. Hist. Reg. Vol. III, 10. † Beverley calls them Oliverians.

‡ See C. Campbell's History, p. 99, where the cruel letter of Sunderland concerning the rebels is given at length.

were contending for the smiles of Eleanor Gwynn, or were enamored of the more exquisite graces of the Querouaille. Who then composed that living stream which was to diffuse civilization through the new world, and who were to make the wilderness blossom as the rose? They were poor, very poor in worldly goods; many of them could not pay their passage, and were sold for a time as servants, passing through a stern but wholesome apprenticeship on the plantations, which prepared them in due time to set up for themselves. They were the very men above all others whom we could wish them to have been. They were the bone and sinew of that unconquerable people, whom, made up of the Britons, the Angles, the Danes, the Finns, the Jutes, the Saxons, and the Normans, we call, for the want of a better name, the Anglo-Saxons; a people as remarkable for their love of rural life as they were terrible in war. They were the descendants of the men who, under the valiant kings of Britain, struck terror into the fiercest legions of France, and made the names of Poictiers and Agincourt classic words in British story. It was the brothers of those very men, and some of the men themselves, who made the army of Cromwell more formidable than the hosts of the Edwards and Henries ever were, and who scourged the cavalier so sorely that he did not feel safe in his shoon until he had the sea between him and his foe. As for the Valley of Virginia, the Germans owed no obligations to the cavalier; and as little did the Scotch-Irish, who were ever most devoted to freedom in church and state, and whose course before and during the Revolution was one continued blaze of glory, put forth any title of descent from such an ancestry; though coming, of course, from the great Anglo-Saxon stock. Sir, I cannot but regret that to this hour the class and character of the mass of our colonial population is a sealed book in our history. I fear that no record presents a true state of our white population as late as thirty years anterior to the Revolution. Writers on statistics sometimes infer the amount of the population of a country and its extent of business from the number of law-suits in a successive series of years. If this test were applied, the result would show an amount of white population in certain counties greater than can now be readily believed. In the year 1770, the docket of the cases in which a single lawyer was engaged in what was then almost a

frontier county, who practiced in several other counties also, filled fifty half foolscap pages written on one side.* Thus we see what a large white population existed in the interior counties, and which, being engaged wholly in agriculture and entitled to vote, elected the men who composed the Virginia Convention of '76. How that Convention would have laughed to scorn the notion that they, and those who chose them, owed their high courage, their keen sense of wrong, their exalted love of liberty in church and state, to a set of vagrants and office-bearers who never drew a sword but in defence of a tyrant king, and whose highest ambition only sought the petty honors which a tyrant deemed high enough for his tools in a distant Colony! What would BENJAMIN HARRISON have said to such a dogma; he, who, if not lineally descended, as was sometime believed, from his namesake in the High Court of Justice which condemned the "martyr of blessed memory" to the block, was of his race, and whose son in the fullness of time was to preside in that confederate empire, the corner-stone of the greatest State of which he was about to lay?† What would JOHN TYLER have said, who was related to, if not directly descended from, the greatest rebel in English history, after whom he had named a son; whose maternal ancestor was a Huguenot, and who, though not a member of the Convention, attended its debates, and was among the first to take up arms in his country's cause; who was in a few months to begin a civil career, which extended through more than the third of a century; whose great and unapproachable honor it was that he proposed in the House of Delegates the resolution which convoked the meeting at Annapolis which ultimately resulted in the call of the General Convention which formed the federal constitution; and whose son of the same name, who is now present as the Rector of this college, lending the influence of his name and character to the promotion of the literature of his native State, was also to preside in that federal government which the resolution of the father may

* Paul Carrington's docket of the cases in which he was employed in Cumberland county court. The original is in my possession.

† It is a singular fact that, although the Harrisons are not lineally descended from Major General Harrison of the Parliamentary army on the paternal side, those of Brandon at least are descended from him on the mother's side through the Willings. Harrison is stated by the editor of Pepys to have been the son of a butcher, and Sir Walter Scott harps upon the fact in Woodstock.

be said, in a certain sense, to have called into existence?* What would THOMAS JEFFERSON have said, who, though a member of the Convention, was unable to quit his post in Congress; who drafted the preamble to the constitution which the Convention was about to adopt; who was the author of that admirable paper in which the true connexion of the Colonies with the mother country was first clearly defined; who had recently written the answer of the House of Burgesses to the propositions of Lord North; who was ever foremost in the contest at home, and was to draw the declaration of independence by the Congress; and who was to preside with unparalleled honor, not in the person of his son, but in his proper person, in the government of the Union? He has indeed spoken for himself; for when, in the graceful sketch of his life from his own pen, he alludes to his father who was a plain planter, he speaks of him with a just pride as of a man who had done a good deed—who had helped to make the first regular map of Virginia; but when he touches on the maternal side of his house, which would have led him into the mists of an uncertain genealogy, he settles the matter with a dash of his pen. What would THOMAS LEWIS have said, who had not only a sprinkling of Milesian blood in his veins—for he was born in Ireland—but could also claim the kindred blood of the Huguenot and the Covenanter; whose father, the pioneer of West Augusta, slew the Irish lord; whose brother CHARLES had gloriously fallen two years before at Point Pleasant; whose brother WILLIAM had distinguished himself in the Indian wars, and was an officer during the revolution; whose brother ANDREW had not only reaped the highest honors in the Indian wars, and was the victor at Point Pleasant, and was to drive a few days after the adjournment of the Convention the recreant Dunmore from the waters of Virginia, but who was, with the single exception of Washington, the first military man in the Colony, as he was undoubtedly among the first men in peace and in war of the era in which he lived, and who was to seal his devotion to his

* I have alluded in the text to the fact, that John Tyler called a son after Wat Tyler. On one occasion when Patrick Henry visited Mr. Tyler, between whom and Henry there existed a long and intimate friendship, terminated only by the death of the latter, he saw the infant on the lap of his mother, and asked his name. "He is called, Col. Henry, after the two greatest rebels in English history." "Pray, madam, who were they?" "Wat Tyler and Patrick Henry." The name of the boy was Walter Henry Tyler. I learned this incident from Ex-President Tyler.

adopted country by death from disease contracted in the public service ere he reached his own fireside; and who, embarking in civil life, had voted for the resolutions of Henry against the stamp act, and for those embodying the militia? What, I say, would THOMAS LEWIS have said, that sterling patriot, whose single vote carried successfully through the House of Burgesses the fifth and fiercest resolution of Henry against the stamp act? What would HENRY TAZEWELL have said, whose paternal ancestor, as if, like Langoiran, the bosom friend of Colligny, anticipating the result of that struggle between fanaticism and good faith which was raging in the breast of Louis the fourteenth, and which impelled him to revoke the edict of Nantes, had quitted the vine-clad vallies of his beloved France, and had sought the shores of Britain? What would PATRICK HENRY himself have said, who was the author of the resolutions against the stamp act and of the resolutions for putting the Colony in a state of defence; who had headed the first military movement in the Colony, and whose father was a Scotchman of a comparatively recent importation? Those pure and devoted patriots knew full well that their love of liberty, their hatred of wrong, their unflinching courage, came from another quarter. Whatever merits their fathers, or their fathers' fathers possessed, were all their own. They had come over poor, but by industry had acquired wealth, which was freely used in the education of their children, who in time became an educated class, and, as industry, directed by intelligence and honesty, is rarely unsuccessful, their children not only retained their inheritance but increased it; thus from generation to generation preparing insensibly but surely for the great contest in which they were now engaged. And let me say to you, sir, how much more noble it is as well as more true, how much more congenial to the pride and honor of the Virginian, to reflect that the virtues of his fathers are to be traced, not to a race of men whose whole career was one long and bitter and bloody protest against civil and religious freedom, but to the great Anglo-Saxon family, whose swords were never drawn in vain, and before whom the hosts of the cavalier in the old world were driven as chaff before the wind? Such were the men who in the council and in the field achieved the revolution.*

* This topic would require a speech in itself to be fully treated, and I can only say here, that so ar from the cavalier influence bringing about the Revo-

I have spoken of the folly and falsehood of that philosophy which sought to draw upon the cavalier for those qualities which ennobled our fathers. Still there was in the Colony a distinct cavalier class, not wholly contemptible in numbers, but more potent in influence, which partook of the character that marked the foreign original, and which in its modes of life imitated English manners, practised English sports, cherished English prejudices, and were proud of the glory of England, not in its loftiest development, but as casting its brightness, of all others in the Colony, on itself. But even to this class some who could trace a legitimate descent from those who came over after the discomfiture and death of Charles, did not belong. These descendants differed materially from their ancestors. The architects of their own fortune, reared in that noblest of all schools, the school of poverty, they had mingled freely with the people and shared their pursuits; and thus not only lost their hereditary prejudices but adopted popular views, and became the most strenuous supporters of the very principles from which their ancestors would have recoiled. It was the spirit of Anglo-Saxon liberty, inculcated for generations by the peculiar circumstances of the Colony in their race, that made the names of Washington, George Mason and the Lees a bulwark in the cause of independence. But neither of these was the representative of the party to which by the accident of birth he belonged. That office, since the departure of John Randolph, fell upon a man who was unconnected with it by birth and was infinitely superior to many of its prejudices, but

lution, the Revolution was brought about in spite of the cavalier. The three greatest test measures of that epoch were the resolutions of Henry in 1765 against the stamp act, the resolutions of the same individual in the Convention of March, 1775, for putting the Colony into military array, and the resolution instructing the delegates in Congress to propose independence. Now of all these measures the cavalier party, as a party, was the stoutest opponent. It is true, that on the last mentioned resolution the vote in the journal is set down as unanimous; but we know from a letter of George Mason to R. H. Lee, dated May 18, 1776, that there was a considerable minority, and we know from other sources who composed that minority. This minority, when it was plain that the members composing it must either be drummed into independence, or drummed out of the country, finally came in. It would be invidious to single out by name the cavaliers who at the beginning of the troubles were placed under heavy bonds, were confined to the forks of rivers, or were escorted under guard into the interior. Unfortunately, so far as the convenience of reference is concerned, the ayes and noes were never taken in the House of Burgesses or in the Conventions, and we are compelled to hunt up the votes of individuals elsewhere. One thing is clear to my mind, that the three great measures mentioned above were carried by the *western* vote, that is, by the vote of the members living north and west of Richmond, as were the leading measures of reform some years later.

who held some principles in common with the class.* Nor could it have devolved on a more suitable person. I allude to EDMUND PENDLETON.

The origin of this remarkable man was obscure. He was not in a legal sense nobody's son, but in the estimation of a haughty gentry he was something worse—he was the son of nobody. He was born in 1721, in the county of Caroline, his father having died before his birth, and in his fourteenth year he was bound as an apprentice to Col. Benjamin Robinson, Clerk of Caroline Court.† In his sixteenth year he was made clerk to the vestry of St Mary's parish in his native county, and appropriated his salary to the purchase of books which he read diligently. In his twentieth year he was made clerk of Caroline Court Martial, and in his twenty-first year, with his master's consent, he was licensed to practice law, having undergone, as he tells us, a strict examination by Mr. Barradall, an eminent lawyer, whose name, having almost died away, has been revived by a recent edition of his reports by a Virginia publisher, and whose tomb, honored with a Latin inscription, may still be seen in the cemetery of this city. Before coming to the bar, and before he was of age, Pendleton married Betty Roy, a young lady of great beauty, against the consent of his friends, and especially of his master, who, however, as he tells us in his old age, "still continued his affections to him." This union was destined to be short, his wife dying in less than two years after his marriage. In his twenty-fourth year he married for his second wife Sarah Pollard. He had thus far practiced in the county courts with great success, and now undertook the management of cases in the General Court, at the bar of which he continued in full business until 1774, when the courts were closed by the Revolution. In 1752 he was returned a Burgess from the county of Caroline, and was successively re-elected until the body became extinct. In 1774 he

* The firm and decided course of Peyton Randolph had separated him from the cavalier party. In his attendance on Congress he had caught the spirit of the times. We are told by Mr. Jefferson that Peyton Randolph, fearing lest Col. Nicholas might not write in a spirit which he thought the occasion demanded, requested him to answer the propositions of Lord North.

† The dates and some of the facts in this sketch are taken from a short account of himself written by Pendleton in his latter days. A manuscript copy may be seen in the archives of the Virginia Historical Society, and it is printed in the Norfolk Beacon, Oct. 3, 1834.

was the presiding magistrate of Caroline, and at the same time held the responsible and honorable office of County Lieutenant.

But it is in his more public career as a politician, that his character demands our special attention. In the calm of old age,—if, indeed, that calm ever came to a man who from the year 1752 to his death in 1803, a period of over half a century, during which, either in the capacity of Burgess, of member of Convention, of Speaker of the House of Delegates, and of Judge, he was connected with the public service,—he states in the brief record of his services by his own pen which has come down to us, that "when the dispute with Great Britain began, a redress of grievances, and not a revolution of government, was my wish." And this sentiment explains the course which he pursued throughout the difficulties that led to the Revolution. It has been seen that in 1752 he entered the House of Burgesses, the sessions of which he assiduously attended, and in which he gradually rose into eminence as a public speaker. From the similarity of the names of Benjamin Robinson, his old master, as he always called him, and of John Robinson, the Speaker of the House of Burgesses, it has been usual to regard Pendleton as the *protege* of the Speaker; but it is probable that the Speaker was more deeply indebted to Pendleton than Pendleton was to the Speaker.* It is true that their line of policy was the same, and it was in Pendleton that the Speaker found his ablest ally when the proposition to separate the office of Treasurer from that of Speaker, both of which he had held for four and twenty years, was made in the House of Burgesses. It was this course of action that led the cavalier interest to look up to him for guidance and counsel in the crisis that was now at hand. Not a member of the caste, his efforts in its defence might assume an impartial air. Of a conservative temper, and fearful of change, he was more solicitous of controlling the progress of others than of advancing himself. A bold measure, merely because it was bold, was distasteful to him. In the interpretation of the gravest questions of policy which spring up at a period of impending revolution, he applied the same rules with which he would seek in a time of profound peace to amend an act of assembly. He was essentially the statesman of peace.

* Wirt and the Virginia writers generally, except Howison, have fallen into the mistake of confounding the two names. Even the author of the biographical sketches in the new edition of Call's Reports adopts the error.

He had that intuitive love of prescription which was a marked trait in the character of almost all the eminent lawyers to whose exertions the liberties of England were indebted for their existence. The strongest argument that could be urged in favor of a particular measure in his view was that it had formed for a century a part of the general mind. The same sentiment, which impelled our English ancestors to declare against a change of the laws of England, always governed him. And in ordinary legislation it is unquestionably the true policy of a Commonwealth. He well knew that in a thinly settled country, without a press and without a post, intelligence was slowly diffused, and that repeated changes which made the law either vague or uncertain, whatever might be the outward form of the government, established a wretched slavery by the firesides of the people; and in this respect we may fairly take a lesson from his experience. This principle swayed his conduct not only in the Colony but in the Commonwealth. But, if he were distrustful of ordinary changes, he was still more opposed to civil war; and from revolution he absolutely recoiled. Hence in regard of the great legislative measures which paved the way for the Revolution, he was invariably found in the negative. He opposed Henry's resolutions against the stamp act. He opposed, as has just been said, the scheme of weakening the influence of the Speaker of the House of Burgesses by rendering the office of Treasurer incompatible with that of Speaker,—a measure which the liberal party maintained on the ground not only of diminishing the patronage of the Speaker, who, though elected by the Burgesses, was approved by the Governor, but of keeping the Treasurer more within the reach of the House. He opposed, in the Convention of March, 1775, the resolutions of Henry for organizing the militia, preferring to consult the chapter of accidents yet longer before he upheld an unequivocal act of opposition to the royal authority. But there was a manliness about him which made him scorn to sneak or skulk in a time of trial. Cautious and even skittish in the early stages of a great measure, when it was adopted, he acquiesced in the decision. His habits of mind insensibly attached him to the new state of things; and he was most efficient in carrying out the details of a policy which he had strenuously opposed in debate. Hence, as his integrity was beyond suspicion, and, as his abilities were held in the highest repute, he was called on, not by one party but by both par-

ties, to fill all the great posts of the day, the duties of which he performed with masterly skill. He was one of the committee which in 1764 prepared the memorials to the House of Commons, to the House of Lords, and to the king.* He was appointed in 1773 one of the Committee of Correspondence. He was appointed by the Convention in 1774 one of the delegates to Congress, and was rechosen in 1775, when from indisposition he declined the appointment. He was a member of all the Conventions, having been called to preside in that of December, 1775, and in that of May, 1776, of which we are now treating, and was at the head of leading committees until he was elected to the chair. But nothing could show more clearly the general confidence reposed in him than his unanimous election by the Convention of July, 1775, as the head of the Committee of Safety. That body consisted of eleven members, was, in the interval of the sessions of the Conventions, the executive of the Colony, and was always in session. Its duties were of the most delicate, of the most perplexing, and of the most responsible kind. There was no precise rule for its guidance. The ordinance which created it, endowed it with enormous powers positive and discretionary.† Its difficulties were enhanced by the fact that the Colony was in a state of war. The utmost prudence, energy and wisdom were required in its head; and these qualities Pendleton possessed in an eminent degree. If the highest order of executive genius be not accorded him, he was unsurpassed in the readiness with which, at a time of great peril, he arrayed his means, and adopted a line of policy proper for the occasion. He was thoroughly conversant with the finances of the Colony, and, as he was skilled in figures, and had served an apprenticeship of four and twenty years in the House of Burgesses, everything appertaining to its population and its resources was on the tip of his tongue. He had also a knowledge of the practical arts, which became important, as, in consequence of the non-importation acts, there was neither salt, nor gunpowder, nor arms, nor clothing in the Colony; and it was one of the responsible duties of the committee to examine the various proposals for the manufacture of

* He did not draw either of them. The memorial to the House was written by Wythe; the memorials to the king and to the lords by R. H Lee. Life of Lee, Vol. I, 29.

† See the ordinance, page 44 of the Journal of the Convention, July, 1775. The wages of a member of the committee was fifteen shillings per diem.

those articles, and to decide upon them. He was not only versed, as heretofore stated, in our own acts of assembly and in the British statutes, but in the law of admiralty and in the laws of nations; and it is most pleasing to observe the courtesy which he was ready to extend to our enemies when justified by the public law. The army and navy were under the control of the committee; and it not unfrequently happened that grave questions of prize came up for adjudication. It was also charged with the domestic and foreign correspondence of the Colony. Such was the sphere of the committee of which Pendleton was the head from its organization until it was superseded by the government established by the constitution; a position which he might well have declined, and which no man, who was not ready to lay down his life in his country's cause, would have dared to assume. In that interval his conduct deserved and received the warmest approbation of his country.

One single act of the committee excited in some minds a prejudice against its head; and justice to the memory of Pendleton demands a passing allusion to it. I allude to the difficulty that occurred between the Committee of Safety and Col. Henry. It created some excitement, and, indeed, exasperation at the time, and made an impression upon the Convention; for on the ensuing election of the members of the committee the name of Pendleton, hitherto easily the first, fell to the fifth place.* Wirt, and our historians generally, are inclined to impute, directly or indirectly, unworthy motives to Pendleton; and a cloud, which was dispelled almost as soon as it was formed, has been made to darken a reputation which it ought to be the pride of posterity to illustrate and to dwell upon with unmingled delight. That Edmund Pendleton and Patrick Henry were enemies, I do not affirm; but that they were at the head of their respective parties at a time when their issues involved life and death, is known to all. The true nature of those parties will be traced elsewhere. Suffice it for the present to say, that Pendleton represented the great conservative interest of the Colony, and that Henry personified the great body of the people who, in all countries and in all ages, are opposed to the few who wield the influence of government for their own advantage. Their opposition began as early as 1765, and was renewed at intervals until Henry was elected Governor and Pendleton, after passing a session or two

* Journal Convention, Dec. 1775, page 68.

in the House of Delegates, was called to the bench. To all who are familiar with the character of Pendleton, it must be obvious that political animosity could never have impelled him to seek the destruction of an opponent. Of all his favorite schemes of policy before the Revolution, and of all his plans discussed in the House of Delegates under the new constitution, the most radical, the most skillful, the most uncompromising foe was Thomas Jefferson; yet with Thomas Jefferson he lived in unbroken and ardent friendship for a third of a century, and it is from the pen of Jefferson that posterity will receive the most eloquent tribute to the integrity, moral worth, and patriotism of Pendleton. Nor could the success of Henry interfere in any respect with the ambition of Pendleton. The highest honors of the Colony were always within his reach; and in passing from the Colony to the Commonwealth he not only did not lose his ground, but was placed in a loftier position before the country. He was, as chairman of the Committee of Safety, the supreme executive. The success of the arms of the Colony was the success of his own policy. To blast the fame, or to curb the spirit of an officer under his control, was virtually to prevent the increase of his own renown and to dim the glory of his own administration. The time when the difficulty occurred between them also demands attention. On the seventh of November, 1775, Dunmore issued a proclamation from the harbor of Norfolk placing the country under martial law, summoning all persons capable of bearing arms to his standard on the penalty of being denounced traitors, and inviting all servants bond and free to join him. He had subjected to his authority through hope or fear nearly the whole population in the vicinity of Norfolk. As he had a naval force sufficient to control the waters of the Colony, the most fearful results were justly anticipated. Slaves not only fled to his standard in great numbers, but were enrolled in the ranks, and were stimulated to wage war against their masters. The few patriots in the Norfolk district, who cherished a love of their country, were overawed, and, in the event of resistance, would have been executed summarily on the spot. To give a prompt and decided check to a sway which threatened such direful results, was a measure almost of life and death to the people. To repel the disciplined forces of Dunmore by a band of raw recruits might not be impossible; but, to be possible, the troops must be led to the scene of action by a soldier who possessed not only

personal bravery but the highest military skill, and who was accustomed to deal with a wary foe. Nor should it be concealed that leading men in the tide-water counties were in the counsels of the enemy. Several prominent persons had been detected in their communications with Dunmore, had been arrested, and had been dispatched into the interior. A regiment could hardly receive its marching orders before the fact would be conveyed to Dunmore by his secret emissaries. Every facility was thus offered to the enemy for cutting off a detachment by surprize. Moreover, defeat was to be dreaded by the Committee of Safety not only in its immediate result as involving the fate of the army, but from its effects on the spirits of the people. To lead a force at that critical juncture, Col. Woodford, Henry's second in command, was highly qualified. He had been engaged in the Indian wars, and was a thorough master of the discipline necessary for an army about to pass through an enemy's country. He was accordingly detached from the command of Col. Henry by the orders of the committee, and dispatched with his regiment to the seat of war. His triumphant success justified the foresight of the committee. A victory achieved by a handful of raw militia, at the expense of one hundred killed and wounded of the enemy, two-thirds of whom were troops of the line, without the loss of a single man on our side, proclaims the capacity of the officer who won it. We may readily imagine with what emotions Pendleton, who was president of the Convention as well as chairman of the Committee of Safety, communicated to the former body the third day after the battle the dispatch of Woodford detailing the victory at the Great Bridge, and announced to Woodford the unanimous vote of the Convention in honor of the victor. But to return to Col. Henry. He was brave and full of spirit, and was eager to occupy the post of danger; but he was entirely destitute of military experience. He had probably never seen a regiment of regular soldiers even on the parade ground, and was wholly unacquainted with, if not averse from, that discipline which made them formidable. Nor was there time for preparation. The danger was instant and imminent. Such were the circumstances which induced the Committee of Safety to assign a separate command to Woodford, and to order him to report directly to itself. The same danger which rendered a separate command necessary, rendered it necessary that all communications from the

officer should be promptly received and attended to by the committee which was always in session. Nor was the position of Col. Henry in this city void of danger. Dunmore, who held undisputed sway over our waters and was burning with revenge, might at any moment approach it from the York or the James, and seize upon those whom he might deem the ring-leaders in the rebellion. That the committee had a right to assign a separate command to Woodford none who will read the ordinance of its creation, and the commission of Col. Henry in which this right is distinctly stated,* will deny; and the question for the decision of posterity is, whether the emergency of the times did not justify its exercise.

But, let the question be decided as it may, the result cannot impeach the integrity or the honor of Pendleton alone. He was one of the eleven who composed the committee. On a question touching the true meaning of an act of assembly or the law of prize, the opinion of Pendleton would have had its proper weight with the body; but, when the safety of the State or the honor of a soldier and a gentleman was involved, would George Mason, who had recently paid to Henry the most splendid compliment which one man of genius ever paid to another†; would John Page, who alone of all the council of Dunmore refused to assent to the proclamation denouncing Henry; would Richard Bland, Thomas Ludwell Lee. Paul Carrington, Dudley Digges, William Cabell, Carter Braxton James Mercer, and John Tabb, have been guided at such a delicate crisis by feelings of envy towards a patriot, who, having distinguished himself in the public councils, sought to win honor in another and more dangerous field? On the contrary, if we are disposed to attribute the conduct of Pendleton and his associates to individual jealousy, and to a desire to ruin the fortunes of a dreaded rival, would they not have adopted an opposite course, and have dispatched Henry, unacquainted as he was with war, through a hostile population to the sea-board, where the British forces, which had been recruited some days before by a reinforcement of regular troops from St. Augustine, were ready to receive him?‡

* For commission see Journal Convention, July, 1775, page 25, and for ordinance page 44.

† George Mason to Col. Cockburn, Va. Historical Register, Vol. III, 28.

‡ I have heard at second-hand from a member of the Committee of Safety who was present at the time and bore his share of the responsibility of the measure, that the real ground of their action was the want of discipline in the

If I may seem to have dwelt too long, Mr. President, on this incident in the life of Pendleton, it must not be forgotten that, in the estimation, perhaps, of a large majority of readers, it has cast on the fair fame of an illustrious man a stigma which, I hope, I have shown to be wholly unmerited; and that to preserve unstained the memory of an eminent citizen is a duty enjoined by a proper respect for the truth of history as well as by the more generous dictates of patriotism and affection.

Distinguished as was this remarkable man as a lawyer, as a debater in the House of Burgesses, as the presiding officer of a deliberative assembly, and as the virtual executive of Virginia during the perilous period in which she was passing from the Colony to the Commonwealth, he may be regarded as yet only in the beginning of his wonderful career. He was now in his fifty-fifth year, and as he had been engaged since his fourteenth, either in the wasting drudgery of a clerk's office under the old regime, in the fatigues and privations of an extensive practice in the county courts and at the bar of the General Court, and in the most responsible trusts ever committed to a representative, in all of which he performed his part with the strictest fidelity and honor, and with the applause of his country, and in the possession of an ample fortune, he might now have sought retirement with a becoming grace, and, closing his career with the extinct dynasty, might have left to the new generation the direction of affairs; and, doubtless, had he consulted his own inclinations, he would have retired upon his well-earned fame

regiment under the command of Col. Henry. None doubted his courage or his alacrity to hasten to the field; but it was plain that he did not seem to be conscious of the importance of strict discipline in an army, but regarded his soldiers as so many gentlemen who had met to defend their country, and exacted from them little more than the courtesy that was proper among equals. To have marched to the sea-board at that time with a regiment of such men, would have been to ensure their destruction; and it was a thorough conviction of this truth that prompted the decision of the committee. It was the general belief of the time that Woodford's men, had he been defeated, would have been given over for indiscriminate massacre by the black banditti which Dunmore had listed and armed.

My authority is the late Col. Clement Carrington of Charlotte, son of Judge Paul Carrington, sen. Col. C. was at the battle of Eutaw where he was dangerously wounded, was a member of the House of Delegates in the interval between the close of the war and the adoption of the federal constitution, was present at the Convention of 1788, of which his father and elder brother were members, knew personally many of the eminent men of the times, and in his old age, his memory undimmed, delighted to recall the scenes in which he was a close and critical observer. I shall hereafter refer to his testimony, committed to writing at the time, under the head of Carrington Memoranda.

and fortune, and spent the remainder of his life in honorable repose. But Pendleton had other views of public duty. He was yet to render most important service to his country and to win his most durable, if not his most brilliant, titles to the public regard. But of his subsequent course in the House of Delegates, in which he filled the chair of Speaker, mingling, however, in debate with ability confessedly unrivalled,* and fighting the battles of a party that was insensibly dwindling away with a vigor most formidable to his opponents; as a revisor of the laws which still bear the impress of his plastic hand†; as a member of the Convention of 1788, in which he presided, and in the debates of which he freely engaged; and on the bench of the Court of Appeals in which he filled for yet a quarter of a century the highest seat, presiding with an ease and dignity rarely surpassed, with a fullness of knowledge and a readiness in its application, that received the unlimited respect of the bar as it inspired the universal confidence of the people, with an industry that quailed not even beneath the weight of fourscore years, and, above all, with a purity that, even in the most delicate case of his life—a case involving issues at once personal, religious and political—the faintest breath of censure never soiled, it is not within the scope of my present design to speak at large.‡

Having thus paid our respects to the president of the Convention, let us contemplate some of those eminent men who brought their eloquence, their learning, their experience in public affairs, their pure and honest lives, and their glowing patriotism, to the support of their country in the hour of trial, and who up to this period had usually acted with the party of which Pendleton was the representative. Sir, if you will look immediately in front of the chair, a little to the left, you will see two aged men sitting side by side, one of whom had nominated Pendleton to the chair, and both of whom were cordial in his cause. They are among the oldest members of the body. Even Pendleton, who is now fifty-five, and had been for five and twenty years a member of the House of

* "Taken all in all, he was the ablest man in debate I have ever met with." Jefferson's Memoirs, Vol. I, 30.

† It was the opinion of Mr. Wickham, that the part performed by Pendleton in the revision of the Laws could be distinguished by its superior precision. So says Henry Lee in his review of the works of Jefferson.

‡ Pendleton died on the 28th of October, 1803. As it is my intention to prepare at the request of the Virginia Historical Society a discourse on the Con-

Burgesses, looks young beside them. What a reach in our history do the lives of those two men embrace? They had seen Robert Carter of Corotoman, one of the original benefactors of this college and one of its visitors, who filled the chair of the House of Burgesses, with the purse of the Colony, as was the wont, in his hand, and had presided in the Council; him, who from his acres which he counted by the hundred thousand, and from his slaves whom he counted by the thousand, was called "King Carter."* One of those old men was a grandson of the "King," and had been dandled on his knee. The age of either of those men added to the age of the "King," would cover the whole of one century and the third of another. The "King," as a boy of fourteen, had known Sir William Berkeley, had played on the lawn of Greenspring, and might have seen the aged cavalier when in search of health he embarked for England to re-visit his rural home no more.† They had seen Holloway, the contemporary in his latter years of Sir John Randolph who has left us in his Breviate Book a capital sketch of his character,‡ who for fourteen years filled the chair of the House of Burgesses and also, for nearly the same time, held the purse of the Colony; a soldier-lawyer—an Erskine by way of anticipa-

vention of 1788, I shall not, as a general thing, trace at large the course of those members of the present Convention such as Pendleton, Wythe, Henry, Madison and others, who were also members of the Convention of 1788, but will in the main confine myself to that period of their lives when they took their seats in the present Convention.

When I delivered this discourse, I was not aware of the existence of a portrait of Pendleton; but I have been informed since that there is one at the residence of Hugh N. Pendleton, Esq. in the county of Jefferson. I have also seen since a portrait of the Judge by Sully, just taken from a miniature, at the residence in Richmond of Jacquelin P. Taylor, Esq., who intends to present it to the Virginia Historical Society. This portrait probably represents him as he was between sixty-five and seventy-five, and hardly justifies the glowing descriptions of his person which have come down to us; but as Pendleton was unable to take any exercise on foot, nor at all except in his carriage, from his fifty-seventh year to the day of his death, much allowance must be made for his looks in old age. He is represented in a flowing powdered wig, with blue eyes, with a sharp face probably attenuated by age, and with thin compressed lips. It is the face of a clear, close thinker, rarely pestered by the exuberance of his imagination. Lest I may be thought to have spoken too warmly of his handsome appearance in early life, I refer for the truth of the existence of the tradition, among others, to the Hon. William C. Rives.

* Robert Carter of Corotoman died August 4, 1732, aged 69. He owned 300,000 acres of land, and 1100 slaves. There is a portrait of him at Shirley. C. Campbell's Hist. of Va.

† Sir William Berkeley died in London, and was buried at Twickenham July 13, 1677.

‡ Sir John's sketch of Holloway may be seen in the Virginia Historical Register, Vol. I, 119; and a sketch of Sir John himself, by an able hand, may be seen in the same work, Vol. IV, 138.

tion—and, if not the rival of the modern in eloquence, quite his equal in the mystic cunning of the law, and may have heard him tell in his peculiar way of the battles which he had fought on Irish ground, before he reached Virginia, under the banners of good King William. They remembered the arrival of the ship which forty years before brought over Sir John Randolph with his patent of knighthood in his pocket, and the scandal to which it gave rise.* They had known Dinwiddie, who, having detected certain frauds in the customs of Barbadoes, had been transferred to Virginia as a fair field for the exercise of his discriminating powers, and they could recall the sly jests that were current on the occasion of his arrival in the Colony. They had seen and known intimately the gay and gallant Fauquier, who, we are told, was the most accomplished statesman who ever filled the chair of Governor, had sat at his classic board, had attended his brilliant entertainments, had often received him as their guest and played with him his favorite game of whist, and had led the deliberations of the House of Burgesses during his administration. But, above all, they would have told of NORBORNE BERKELEY, whose votive statue now guards your grounds, of his dazzling first appearance in this city in a chariot—a present from the king—drawn by six milk-white steeds, and, what was quite a topic of interest with our fathers, of the stock from which those steeds were sprung; of his graphic descriptions of the scenes in the House of Commons when the sway of Sir Robert Walpole yielded at last to the terrible assaults of the opposing host, and which he had seen in his early manhood; of the eloquence of Pitt before the coronet had clouded the spirit of the great Commoner, and of the unrivalled glory of his administration; of his own protracted contest for the barony of Botetourt which he had then but lately won; of his affection for your college displayed not only by his punctual attendance on her ministrations, but by the gold and silver medals which he had struck off at his own expense, and which he awarded to the successful votaries of literature and science in this very hall; of his lamented death, and of his burial beneath the platform on which I stand! How much could RICHARD BLAND and ROBERT CARTER NICHOLAS have told of men and things that is lost forever!

* See letter of Gov. Page, Va. Hist. Reg. Vol. III, 143. The grandmother of Page was a daughter of Robert Carter of Corotoman.

Of these two distinguished men, whose names are so intimately connected with our colonial history, RICHARD BLAND was the elder. You see him as he rises from his seat, and as he walks to the door. His tall figure, as before observed, is bent with age; his deep blue eyes have lost their brightness; and you infer rightly from his slow and studied gait that he is almost blind.* In some respects his fame surpassed that of most of his contemporaries. On the score of ancestry he could vie with the oldest families, as his forefathers, if not among the first, were among the earlier settlers in the Colony; and he could trace his blood in the field and in the council to the knights of the Edwards who had planted the lion of England above the lilies of France, and had shown their prowess in the wars which England waged in defence of the phantom, which so long held possession of the public mind, of building up on the continent of Europe a British State. Nor was his name without a peculiar illustration at home. He bore in his veins the kindred blood of that Giles Bland, who struck for liberty a century too soon, and who fell a martyr to the remorseless vengeance of Berkeley; and, as the blood of Pocahontas was mingled with his race, there was a propriety in his position as the guardian of the public rights. And that office he performed with great ability. From his youth he was fond of books; and passing through the curricle of William and Mary, of which institution he subsequently became an efficient visitor, entered the University of Edinburg, whence he returned home with a generous ambition to excel, and immediately devoted himself to those studies which bear upon the business of life. He was a fine classical scholar. You will observe on the title-page of his Inquiry into the Rights of the Colonies a noble passage from Lactantius. But his great learning lay in the field of British history in its largest sense; and especially in that of Virginia. With all her ancient charters, and with her acts of Assembly in passing which for nearly the third of a century he had a voice, he was familiar; and in this department he may be said to have stood supreme. What John Selden was in the beginning of the troubles in the reign of Charles the first to the House of Commons, was Richard Bland to the House of Burgesses for thirty years during which he was a member. During that time on all questions touching the rights and privileges

* "I am an old man, almost deprived of sight." Bland's speech in the Journal Va. Convention of July 1775, page 15.

of the Colony he was the undoubted and truthful oracle; for, as was observed by Mr. Jefferson, he was as wise as he was learned. When a great occasion occurred, a tract from his pen was looked for and hailed as a chart of the times. He was returned from Prince George to the House of Burgesses at an early age, and he soon rose to the first rank. He was not, however, in the full sense of the term, an eloquent speaker; for, although he spoke with the ability with which he wrote, and exhibited in his speeches the same vigor of logic and the same unequalled research, which mark his written compositions, he did not possess some of the qualities of a speaker, which, though possessed by ordinary men, are essential to all. His manner was not attractive to common observers; and, as others hesitated for the want of something to say, so the very exuberance of his resources not unfrequently checked the freedom of his utterance. But when a question arose deeply affecting the business and bosoms of the people, such was the imposing earnestness of his manner, such were the extent and accuracy of his research, so conclusive was his argumentation, all heightened by the conviction of his good sense and spotless integrity, that, though he lacked the sweet elocution of Pendleton and moved not in the stately march of his kinsman Peyton Randolph, he held from the beginning to the end of his speech the ear of the House. Still his claim of superiority above his contemporaries, fortunately for his fame, rests rather on his abilities as a writer than as a speaker. Hence, when any line of policy, any great truth, was to be impressed on the public mind, the task, from which both Pendleton and Randolph would have shrunk, was always assigned to him. His letter to the Clergy on the Two Penny Act, a theme which called forth the first exhibition of the eloquence of Patrick Henry, and which settled the public mind on the subject, written in 1760, is still extant. He wrote the first pamphlet on the nature of the connexion of the Colonies with the parent country; and, although it may be in some measure liable to the friendly criticisms of Mr. Jefferson, which, however, must be read with the allowance necessary in estimating the opinions of an ardent young man who was anxious to raise the public pulse to the beat of his own, and although it may not possess that polish which periodical writing has assumed in our times, contains sound doctrine enforced with great ability, and surpassed in the judgment of Mr. Jefferson the more celebrated Farmer's Letters

written by Mr. Dickinson. And when at a later day the scheme of an American Episcopate, which had slept from the beginning of the century, was revived, he opposed it in a tract which may have led the House of Burgesses to condemn it forthwith, and to return its thanks to the opponents of the measure.*

It is time to observe more minutely the steps in the career of this learned man and devoted patriot. He took his seat in the House of Burgesses about the year 1745, and remained a member until the Conventions assumed the direction of affairs, occupying a leading place on all the important committees. In 1760 he defended the Two Penny Act, taking the side of the Assembly and the people against the Clergy. In 1764 he opposed with great zeal on the floor of the House of Burgesses the Stamp Act of the British Parliament, and was one of the committee of nine which prepared the memorials to the Commons, to the Lords, and to the King. The memorial to the Lords was long attributed to him; but it is now known to have been written by R. H. Lee. In 1765, still confiding in the potency of the memorials forwarded to England at the previous session, he opposed the resolutions of Patrick Henry. In 1766 he published his Inquiry into the Rights of the Colonies, in which the whole subject was discussed for the first time with that force of logic and fullness of illustration which we have already alluded to, and which not only sustained his reputation as the ablest writer in the Colony, but materially assisted in bringing about a right understanding upon the subject in question. This tract won for its author the warmest and most grateful applause. Among the congratulatory letters which he received, he was deeply touched by the one written by the Norfolk Sons of Liberty; and his answer may be referred to as a graceful specimen of the courtesy and patriotism of the period.† In May 1769, when the House of Bur-

* This pamphlet I have not seen, nor can I trace any recognition of it in the written and printed authorities within my reach; but I am told by Gov. Tazewell that Col. Bland did write a tract against the Episcopate. That he was opposed to the scheme is shown by the fact that the House of Burgesses deputed R. H. Lee and himself to return its thanks to Mr. Henley, Mr. R. Gwatkin, Mr. Hewitt, and Mr. William Bland, clergymen, for their open and decided opposition to the scheme. See Journal House of Burgesses 1770, and Burk Vol. III, 365. Col. Bland also wrote a tract on the tenures of land in Virginia which I have heard Gov. Tazewell say he had read before his examination for his license to practice law, and which stood him in good stead. Bancroft makes a respectful recognition of Bland's Inquiry, Vol. V, 442-3.

† The original is in the archives of the Norfolk Clerk's Office, and a printed copy, which was furnished to the Literary Messenger by Otway Barraud Esq. may be found in one of the earliest volumes of that work.

gesses was dissolved by the Governor, and the members composing it assembled at the Raleigh, and prepared a series of resolves on the subject of economy and non-importation, he was among the first to sign the agreement; and when in June of the following year the House again adjourned to the Raleigh, and drafted in connection with the merchants and the citizens generally resolutions still more stringent, his name appears among the first inscribed on the roll.* In 1773 he was appointed one of the Committee of Correspondence, and in August 1774 he was a member of the first Virginia Convention, which was held in this city, and was chosen one of the seven delegates to the Congress about to meet at Philadelphia, and was re-elected till August 1775, when he declined in a touching address to the Convention, of which he was also a member, expressing his grateful acknowledgments of the repeated honors which it had conferred upon him, and declaring "that this fresh instance of their approbation was sufficient for an old man, almost deprived of sight, whose greatest ambition had ever been to receive the plaudit of his country whenever he should retire from the stage of public life." The Convention consented to accept his declination by a resolution in these words: "Resolved, *unanimously*, That the thanks of this Convention are justly due to RICHARD BLAND, Esq., one of the worthy deputies who represented this Colony in the late Continental Congress, for his faithful discharge of that important trust, and this body are only induced to dispense with his future services of the like nature on account of his advanced age." When the resolution was adopted, the president, his ancient friend, whom we have just pointed out as sitting by his side, Robert Carter Nicholas, rose from the chair, and expressed to Col. Bland in glowing language the high sense entertained by the House of his character, and of the services which he had rendered to his country. On the organization of the Committee of Safety in July 1775 he was appointed one of its members, and in December of the same year he was a member of the Convention which sat in Richmond, as he had been a member of that of March 1775, when he opposed the resolutions of Col. Henry for organizing the militia, and sustained the substitute offered by Col. Nicholas. In the Convention of May 1776, which was now sitting, he appeared, as usual, as a delegate

* The agreement of 1769 was written by George Mason, who was not a member of the House of Burgesses, nor present in Williamsburg, when it was adopted; and was brought to the city by Washington.

from Prince George, where, at his estate called Jordan's, he spent nearly the whole of his life. He was placed on every important committee, and had the honor of belonging to that which reported the Declaration of Rights, and the Constitution. Thus was his name inseparably connected with every great measure in the history of the Colony for almost half a century. He saw the name of Colony sink down and that of the Commonwealth rise in its stead; but it was not the will of Providence that he should behold the close of the great contest in defence of those rights of which he was the earliest and ablest asserter, or catch even a transient glimpse of the glorious future which awaited his country. He died while on a visit to this city at the residence of his friend John Tazewell, on the 28th of October, 1776, in the sixty-eighth year of his age, and within three months from the adjournment of the Convention.*

The fate of ROBERT CARTER NICHOLAS was more fortunate. He lived to take his seat in the House of Delegates under the new constitution, which he filled for several successive years, and to sit on the bench of the new judiciary, to hail the successes of his friend Washington at Trenton and Princeton, and to swell that chorus of joy which rang out from every hill-top and spread through every valley, when the victory of Saratoga, sealing the fate of the fearful hosts of Burgoyne, was proclaimed over the land;† but he did not live to see, as he might almost have seen, from his own door, the proud banner of England trailing in the dust, and to behold his beloved country take her place in the commonwealth of nations. He was brought up to the law, soon rose into eminence, and became one of the leading counsel at the bar of the General Court, when that bar was radiant with the genius and eloquence of Peyton Randolph, Wythe, Pendleton, Thomson, Mason, Henry, and John Randolph the Attorney General. While yet a young man he was returned from James City to the House of Burgesses, and remained a member of the body until it gave place to the new system. From 1764 to 1776 he was a conspicuous member of the party of which Richard Bland, Peyton Randolph, and Pendleton were prominent

* Virginia Gazette of the date. He was stricken with apoplexy while walking the streets of this city, and was carried to Mr. Tazewell's. Bland and Tazewell married sisters, I believe.

† It is necessary to look over the private letters of our public men written at the time to estimate the importance of the victory at Saratoga, and to realize the joy with which it was received.

leaders, and in 1765 voted against the resolutions of Henry. We must be careful to discriminate between the party to which Nicholas belonged and the party which was bound soul and body to the throne. It is true that the latter always voted with the former, and did not assume a separate shape until hostilities began; yet there was a clear line of distinction visible at all times between them. There were in fact three great parties in the Colony: the friends of British rule under all circumstances; the friends of British rule when that rule did not impinge on the rights and franchises of the Colony; and the radical party, which, though it did not openly propose or desire independence, displayed a determination to resist so far that either a repeal of the obnoxious acts or hostilities would inevitably ensue. The first mainly consisted of wealthy planters, who lived upon their plantations in a style of baronial splendor, who idolized British institutions, whose magnificent estates were bound up in the law of entails, and who might lose all but could not in their estimation gain any thing by civil commotions; and of this party John Randolph, the Attorney General, who went off with Dunmore, was the head. The second ranked among its members the most intellectual men in the Colony, almost all the eminent lawyers, a body of men, who, in all the great civil contests in England, had, as a class, usually leaned to the side of liberty, the prominent physicians, and the aspiring young men, who, in view of public life, had studied history in the spirit of philosophy, and the wide-spread connexions of these three important descriptions; and of this party Peyton Randolph, the brother of the Attorney General, was commonly regarded the head. The third was made up of a class of men, young, active, intelligent, and brave, and, for the most part, in moderate circumstances, living mainly in the interior; who had long observed with jealous eye that policy which bestowed all the political honors of the Colony upon the offshoots of a few wealthy families living upon tide or on the banks of the larger streams; who were becoming more and more hostile to a church establishment the severe pressure of which they were beginning sensibly to feel; who already endured a weight of taxation which, though the ordinary expenses of government and a debt of between two and three millions, contracted principally on account of the French and Indian wars, rendered it necessary, was oppressive; and who were ready, sooner than endure fresh taxes from

abroad or acknowledge the right to lay them, to resist at every hazard; and of this party Patrick Henry was the head.* Nor is it necessary for the purposes of history to assail the integrity or the patriotism of either of the three great parties. Under similar circumstances the same parties would rise to-morrow; and nothing would be more unphilosophical than to judge of the wisdom or the worth of men from the failure or success of any line of policy which on the occurrence of any great emergency they may be induced to adopt. In the contest of the Revolution the right was on our side, but the power was on the part of Great Britain. All the probabilities of successful resistance were against us. If the two countries had been left to their individual exertions, the result would have been extremely doubtful. The fires of civil war, now smouldered, now raging, would have out-lasted the generation which kindled them. But for the liberal aid of foreign nations, and of France in particular, the eighteenth century, like the preceding one in the old world, would have beheld a thirty years' war in the new. That the Colonies would have borne up in the contest for a long time is probable; but those who know that portion of the secret history of the times which has come down to us, are aware that there were moments when statesmen, who were the boldest in denouncing the usurpations of Parliament, quailed before the difficulties which threatened to overwhelm them, and talked, it is said, of a separate peace with the enemy. The history of the cost of the Revolution in blood and treasure has not been written and never can be written. And if, in the contemplation of such imminent risks, some of the colonists, instead of incurring them, were disposed to postpone the struggle altogether, let us thank God who over-rules the actions of men and who crowned that fearful contest with peace and independence, for the blessings which we enjoy, and let us show our gratitude, not by impugning the motives of those who differed from our fathers, but by seeking to diffuse as widely as possible peace and good-will among men.

But Robert Carter Nicholas requires no allowance to be made for him. He was as ardent a patriot, he was as ready to incur great risks, as any one of his contemporaries; but the distinguishing

* I have heard Ex-President Tyler say, on the authority of his father, that the supporters of Henry's resolutions against the stamp act were called *Old Field Nags*, and the opposers of them were styled *High-blooded Colts*.

feature of his policy was to put the British government as far as possible in the wrong. Thus, though he entirely approved of the doctrines of Henry's resolutions against the stamp act, yet, as he was anxious that the three memorials to the Commons, to the Lords, and to the King, which had been carefully prepared at the preceding session, should produce their full effect on those to whom they were addressed, he voted against their adoption. Thus, when Henry, in the Convention of March 1775, proposed his resolutions for an organization of the militia, Nicholas, deeming the measure premature, opposed them; but when he saw that the temper of the House was bent upon military preparation, he brought forward a scheme which displayed the highest degree of wisdom and foresight, and which, had it been adopted, would have saved hundreds of lives and millions of treasure;—a scheme for raising a regular army of ten thousand men to serve during the war. If this policy had been successful, Norfolk would not have been reduced to ashes; the invasions which disgraced our State would have been repelled; our negroes, one-fifth of whom, if not more, were irrecoverably lost, would have been preserved; and millions of property, which was destroyed by mere handfulls of British soldiers, would have been saved. Short enlistments were the bane of the Revolution; and we cannot accord too much credit to Nicholas, who at the outset saw the difficulties of the period, and suggested such an admirable scheme for preventing them. He enjoyed the confidence of all parties. He was elected to all the responsible trusts not incompatible with his office of Treasurer, to which he had been appointed in 1766, when it was for the first time separated from that of Speaker, and which he still held. In 1769 and 1770 he was among the foremost signers of the non-importation agreements. In 1773 he was a member of the Committee of Correspondence; but, as the duties of the Treasury confined him to the Colony, he was not deputed to Congress. He was a member of all the Conventions, and of the Convention of July 1775, on the retirement of Peyton Randolph, he was elected President *pro tempore*. He was elected to the House of Delegates under the new constitution, and showed the regard which he cherished toward Pendleton by nominating him to the chair;—a nomination that was unanimously confirmed; and was successively re-elected and served during the sessions of '77, '78, and '79, when he was appointed one of the

judges of the High Court of Chancery, and necessarily became a judge of the Court of Appeals. When it was decided at the first session of the House of Delegates that a person holding the office of Treasurer could not hold a seat in the House, choosing at his advanced age to be relieved of a responsibility which he had so long and so faithfully borne, and to retain his seat, he resigned that office, the House declaring by an unanimous vote its high appreciation of the fidelity and ability with which he had discharged its duties.

His personal appearance was not as imposing as that of his kinsman Peyton Randolph or that of his compatriot Bland. Not above the middle stature, his features rather delicate than prominent, and inclined to be bald, he commanded attention rather by the gravity of his demeanor and from his great reputation than by any mere physical qualities. He was a strong and ready rather than an eloquent speaker, a sound lawyer, a good financier, and a wise statesman. Some of the popular expositions put forth by the early Conventions, and many of their elaborate ordinances, are from his pen. The stirring appeal to the people known as the Declaration of the thirteenth of December 1775 is believed to be the work of his hand.* Some of his writings in the archives of his family, as stated by Call, indicate literary talents of a high order.† Educated at William and Mary, of which he became one of her most stedfast friends and visitors, his whole life was spent almost within the shadow of her walls. What may seem trivial now, but what was of essential service in his time, he was intimately connected with the wealthiest and most influential families in the Colony. His name he derived from that Robert Carter already alluded to, who was the President of the Council as early as 1726, and whose portrait, painted more than a century and a half ago, may yet be seen in the parlors of Shirley.

In the House of Delegates under the new constitution he opposed the separation of the Church from the State; nor was that great object fully attained until some years after his translation to the bench. And here it should be distinctly observed that in forming an opinion of the conduct of our fathers, we should be careful to see

* Journal Convention, 1775, December, page 63.

† See a sketch of Nicholas in the preface of fourth Call.

the great questions of their day from the point of view from which they beheld them. They loved the forms, the liturgy, and the doctrines of the Episcopal church; but, great as was their attachment to these, it did not wholly influence them in opposing a divorce of the church from the state. They regarded the subject not by the hopes of the future but by the lights of the past; and that past was written in blood. Some of the purest professors of the reformed faith had been burned at the stake, had been suspended from gibbets, and had had their heads struck off at the block. And some of the patriots of the Revolution believed that the means which in their view had prevented for a century the shedding of Protestant blood on account of religion in the Old World, would be the safest to accomplish the same end in the New. Hence they were opposed to a separation of the Church from the State without a greater degree of reflection than could then be afforded. Nor was this pause desired by any regard of the questions of majority or minority. When we recently beheld the Church of Scotland quit the elevated platform which for centuries she had held, and assume an independent and antagonistic position to the State, there was a shout of exultation from the lovers of religious freedom throughout Christendom; but it was soon seen that the leaders in that great movement, so far from embracing the true notions of religious liberty which we hold in this country, strongly insisted that it was the duty of the State to uphold an establishment. They were ready to defend the Church of Scotland against the encroachments of the State; but, so far from desiring a divorce from it, they maintained with equal zeal the obligation of the State to sustain the establishment. When we reflect that in the full blaze of the nineteenth century the capacious mind of Chalmers had not embraced the doctrine of a separation, we may well excuse any momentary hesitation on the part of some of our patriot fathers. The great party of which Nicholas was a member, however prompt in resisting aggression from without, were cautious in remodelling the domestic policy of the State when a civil war was raging in the land. The conservative influence of those men was of incalculable value to their country. Let those who are inclined to blame their caution in adopting radical changes in a time of extraordinary peril, and who approve of what are now called the peculiar institutions of the

South, keep in mind that but for these very men those institutions might not have survived the last century.*

Mention has already been made of his election to a seat on the bench; but he had hardly entered on its duties, when he was taken suddenly ill and died at his seat in Hanover in 1780 in the sixty-fifth year of his age. Now that death has put a seal upon his fame, the social character of this estimable man appears in the most endearing light. He loved indeed a particular form of religion, but he loved more dearly religion itself. In peace or war, at the fireside or on the floor of the House of Burgesses, a strong sense of moral responsibility was seen through all his actions. If a resolution appointing a day of fasting and prayer, or acknowledging the Providence of God in crowning our arms with victory, though drawn by worldly men with worldly views, was to be offered, it was from his hands that it was presented to the House, and from his lips came the persuasive words which fell not in vain on the coldest ears. Indeed such was the impression which his sincere piety, embellishing as it did the sterling virtues of his character, made upon his own generation, that its influence was felt by that which succeeded it; and when his youngest son near a quarter of a century after his death became a candidate for the office of Attorney General of the Commonwealth, a political opponent, who knew not father or son, gave him his support, declaring "that no son of the old Treasurer can be unfaithful to his country." Nor was his piety less conspicuous in a private sphere. Visiting on one occasion Lord Botetourt, with whom he lived in the strictest friendship, he observed to that nobleman: "My lord, I think you will be very unwilling to die;" and when asked what gave rise to the remark: "Because," said he, "you are so social in your nature, and so much beloved, and have so many good things about you, that you must be loth to leave them." His lordship made no reply; but a short time after, being on his death-bed, he sent in haste for Col. Nicholas, who lived near the palace, and who instantly

* That George Mason, Wythe, Jefferson, Pendleton and others would have voted for emancipation is beyond a doubt. Mr. Jefferson not only proposed the measure in the House of Burgesses, but prepared a plan, which was agreed upon by the revisors, to be offered as an amendment to one of the revised bills when it came up in the House. George Mason in giving his reasons for voting against the Federal Constitution in the Convention which framed it, enumerates the clause which allowed the introduction of slaves from abroad for a limited period, contending that slavery was a source of weakness to a nation.

repaired thither to receive the last sighs of his dying friend. On entering his chamber, he asked his commands: "Nothing," replied his lordship, "but to let you see that I resign those good things which you formerly spoke of with as much composure as I enjoyed them." After which, he grasped his hand with warmth, and instantly expired.* And none could have performed with more appropriate feeling than Nicholas the task which the House of Burgesses devolved upon him and his associates, of procuring that statue to the memory of his friend which so long adorned the area of the capitol, and which now fitly stands within the limits of this college which in life the original so dearly loved.†

If this true patriot shared the fate of Peyton Randolph and Richard Bland, and departed not only before he saw the close of the contest in which he was engaged but when the gloom was darkest, he bequeathed to his country the influence of his great name and a noble heritage of sons, educated within these walls, one of whom was distinguished during the Revolution in the field and in the council, was a leading member of the Convention which ratified the federal constitution, was a member of the House of Delegates whose deliberations he almost entirely controlled, leaving an impress upon our laws which has been felt in our own generation, and became the law-giver of a new commonwealth then rising in the west, and all of whom filled the most responsible public stations with fidelity and honor.‡

And now, Mr. President, we are about to pronounce a name which is inseparably connected with your College from its birth almost to the present hour, which is bound up with the history of

* This incident is taken nearly *verbatim* from the 4th volume of the new edition of Call's Reports.

† The committee charged by the House of Burgesses to procure the statue consisted of William Nelson, Thomas Nelson, Peyton Randolph, Robert C. Nicholas, Lewis Burwell and Dudley Digges. Journal H. of B. 1770.

‡ Col. Nicholas died at his seat in Hanover, leaving four sons; George, alluded to in the text, who removed to Kentucky where he died in 1799; John, who removed to New York and was a member of Congress from that State; Wilson Cary, who was a member of the House of Representatives and of the Senate of the United States, and Governor of Virginia; and Philip Norborne, called after Norborne Lord Botetourt, who was for many years Attorney General of the Commonwealth, President of the Farmers' Bank of Virginia, a member of the Convention of 1829–30, and a Judge of the General Court; all of whom are now dead. The father of Robert Carter Nicholas was Dr. George Nicholas, who emigrated to the Colony at the beginning of the eighteenth century, and married the widow Burwell whose maiden name was Carter.

this city, and which shone for more than a century with equal glory in the Colony and in the Commonwealth. You see him who bears it sitting within that group from which we have singled out Nicholas and Bland, for; as in a memorable body of a later day, and as is usual in the British parliament, the customs of which were closely copied in the Colony, those who thought and acted with each other occupied adjoining seats; but he is a much younger man than either of them. He is in his forty-fifth year, tall and graceful in person, his face, if not strictly handsome, beaming with intellect and benevolence, and full of that modesty, which, if it be not the unerring mark of genius, is one of its most becoming and most winning attendants. He occupied a seat that had immemorably been filled by some of the greatest men in the Colony; for he was with peculiar propriety the representative of this College in that august body. If we were to pronounce on the descent of a man by the test of the genius, the virtue, and the piety of his ancestors, his birth was more illustrious than that of any other member. He was descended from the stock of that remarkable man, who as early as 1685 came over to the colony as a missionary, who was afterwards appointed commissary of the Bishop of London within whose diocese Virginia then was, and who was by virtue of his office a member of the Council and for a long period its president, and whose benignant face may still be seen in his portrait suspended from the walls of your Blue Room. But all these honors, and they were such that satisfied the highest ambition of the proudest spirits in the colony, sink into insignificance beside that which was in every sense of the word particularly his own—he was the Father of the College of William and Mary. He obtained her charter; he procured her benefactions; his gentle hand rocked her cradle; he was her first president; and when in 1743, at an age far exceeding the period of the Psalmist, and after sixty years' service in the Christian Ministry, he breathed his last, closing his great mission here—in your midst—one of his latest aspirations to the Father of Mercies was that He might take his favorite offspring under the shadow of his wing. Nor was this great man the only worthy ancestor of the representative of this College in the Convention. His father inherited the sound sense, the manly piety, and the self-denying patriotism of our Christian Patriarch, whom he succeeded in the Council, of which he was for a long

series of years the president, and for the duties of which he was qualified by an efficient service in the House of Burgesses of which he was a member from this city as early as 1736. The period of his presidency in the Council was one of uncommon difficulty; but in his correspondence with Col. Clément Read of Lunenburg he displayed a self-possession, a command of expedients, and a love of country throughout the troubles with the Indians who infested the remote outskirts of that region, which were worthy of high praise.* A descendant from the author of the discourses on the sermon of our Saviour on the Mount could not well be the persecutor of Christian men; and we accordingly find in his letter to the attorney of Spottsylvania, which he wrote as acting Governor which he became on the death of Fauquier, he manifested a spirit of toleration as rare at that day as it was creditable to his head and to his heart.† But great as was the ancestral honor which preceding generations reflected on your representative in the Convention, his personal merits would have earned him an enduring fame. From the beginning of the difficulties with the parent country, JOHN BLAIR, as was his venerable father, was always on the side of the Colony. When he had finished his course of instruction at this college, he repaired to London where he pursued his legal studies diligently at the Temple, and was soon engaged in full business at the bar of the General Court. He entered the House of Burgesses at an early age, and was a member in 1765, when on the ground maintained by Nicholas and Bland he opposed the resolutions of Henry. In 1769, when the House of Burgesses was dissolved, he was one of that patriotic band consisting of Washington, Bland, Nicholas, and others, which held a meeting in the Raleigh, and drafted the non-importation agreement already referred to; and when in 1770 the House was again dissolved and the members again assembled in the Raleigh to revise and amend the articles of agreement, associating with themselves the merchants of the Colony, he was among them, and recorded his name on that roll where it will be read forever.‡ In this year he was

* His original letters to Col. Read are in my collection. The letter to Spottsylvania may be found in our histories, especially in C. Campbell page 139.

† President John Blair died some two or three years before the declaration of independence, leaving a spotless name to his son.

‡ Va. Hist. Register Vol. III. 17.

appointed one of the executors of his friend Lord Botetourt. In the Convention now sitting he appeared as the delegate from the College of William and Mary, and was a member of the grand committee which reported the Declaration of Rights and the Constitution. He was destined to be the last of that long list of eminent men who represented the College in the public councils, and it is a coincidence worth observing in the history of your institution, that, as it received the privilege of sending a member to the House of Burgesses—a privilege which she used so wisely for more than eighty years—from the charter procured by James Blair, so she was to lose that privilege when represented by his distinguished relative. That he fought gallantly in defence of his Alma Mater may be readily believed; but, as the test questions were mainly settled in the committee before the constitution was reported to the House, all memory of the scene is lost. And, indeed, not a word of any debate that occurred in the House itself has come down to us, nor does the journal of the House show the character of any amendment that was offered to the constitution during the time it was under consideration. He was elected by the Convention a member of the Council, and when the judicial department under the constitution which he assisted in framing was established, he was elected a judge of the General Court of which he became Chief Justice, and on the death of Robert Carter Nicholas in 1780, he was elected a judge of the High Court of Chancery, and by virtue of both stations become necessarily a judge of the first Court of Appeals; and was one of the Court when the law requiring the judges of the Court of Appeals to act as judges of the inferior Courts was pronounced unconstitutional. Nor by his decisive conduct did he forfeit his popularity with the Assembly; for he was appointed by that body a delegate to the Convention which was about to assemble in Philadelphia for a revision of the Articles of Confederation. In that assembly he supported with Edmund Randolph and Madison what was called the Virginia plan in opposition to the New Jersey scheme which sustained the separate sovereignty of the States; and with Washington and Madison alone of all the delegates from Virginia voted for the adoption of the constitution by the body; and, when the federal constitution was submitted for the ratification of Virginia, he was returned from the county of York to the Convention which was to

decide upon it, and again voted in its favor. On the organization of the federal judiciary, he was appointed by Washington, between whom and himself a long and intimate friendship had subsisted, a judge of the Supreme Court of the United States, discharging the duties of the office with ability and dignity until near the time of his death in this city on the thirty-first of August, 1800, in the sixty-ninth year of his age.

Honored, as he was, by the high offices which he held through a long course of public service, he shone with a lustre, if not more dazzling, more diffusive and more benign in private life. His mild virtues, illustrated by the highest mental qualities, inspired an affection and exerted an influence, which mere talents, however exalted, rarely effect, and which were sensibly felt, as they will ever be remembered, in the polished society of this city, of which he was for half a century one of the noblest ornaments.* Mr. President, the time has come when the glory of him who builds a hospital for the relief of human woe for ages after the heart which prompted the deed, has ceased to beat, and of him who builds a college for the diffusion of the blessings of knowledge and piety among the people long after the hand which reared it has turned to dust, is deemed by the wise and the good greater than the glory of "him who taketh a city." My own maternal ancestors came from the same country from which came James Blair, and bore his name as I do now; and if I thought that I had a drop of blood in my veins kindred with his own, I would not exchange it for the blood of the proudest knight that ever won his spurs on the fields of Cressy or Poictiers, or who with the lion-hearted Richard had gathered trophies beneath the ramparts of the Holy City.†

I have alluded to the character of the society which so long adorned this city in the Colony and in the Commonwealth. It was such as was almost unknown in any other Colony and was rarely surpassed elsewhere. Sir, if we could raise by the wand of the enchanter the

* The late St. George Tucker, the elder, writing to Wirt in 1813, speaks of Blair as "a model of human perfection and excellence," and as "a man of the most exalted and immaculate virtues." Kennedy's Life of Wirt, vol. I. 316.

† The tomb of James Blair is at Jamestown; that of John Blair and his wife Jean is in the church yard of this city. I am indebted to my young friend William Lamb of Norfolk, now a student of William and Mary, for a knowledge of the fact that Commissary Blair bequeathed by his will now on record in the General Court at Richmond his estate to John Blair, the father of the John Blair of the Convention.

social scenes which were enacted more than eighty years ago in this city, what a vision of high bearing, of gentle courtesy, of commanding intellect, and of dazzling beauty, would charm the ravished sight! The amiable Botetourt, destined to an early grave, is yet in vigorous health, and is holding one of his gay entertainments in yonder palace. He had recently received glad tidings from the mother country, and had communicated them to the Burgesses, who had responded to them in a spirit of conciliation and peace; and every heart beat high with joy. You see him as he stands, with a smile on his face, at the head of his suite of rooms, arrayed in the costume of his order, the arms of Britain and the arms of Virginia, drawn with all the honors of heraldic emblazonry, fondly intertwined and suspended above him, and as he extends to his guests the gratulating hand. His council, Burwell, Corbin, Braxton, Wormley, the younger Nelson, Page, the patriarch Nelson in their midst, are standing beside him; and near him clad in their robes, the President of the College, John Camm, the successor of Blair in the office of Commissary, and, as such, a member of the Council, celebrated for the zeal and ability with which he had long upheld in many a well-contested field the claims of his class, and his reverend associates Gwatkin and Henley, who were ere long to oppose the scheme of an American Episcopate so warmly cherished by their principal, and to receive the formal thanks of the House of Burgesses for their wisdom and courage. You see approach the elegant Pendleton, yet untouched by time, alike the pride of the bar, the light of the senate, and the grace of the social sphere, and you mark the impression which he makes as he salutes his noble host. You hear the cry of "The Speaker —The Speaker,"—and you behold, bending low as he makes his obeisance, the stately form of Peyton Randolph, his queenly wife, who was ere long to weep in a distant city at the bedside of her dying husband, and to pay in this hall the last sad tribute at his grave, resting on his arm; while the grave Treasurer, Robert Carter Nicholas, is at one hand, and the Clerk of the House, the modest Wythe, at the other. Whose, you inquire, is that commanding figure, attired with scrupulous taste in the rich dress of the period, that is just announced, and is approaching the host, his partner on his arm, her early beauty beaming still, and who was to share with her husband, ere that beauty faded, the purest

fame that human virtue ever won, and who in the fullness of time was to place with her own hands the cypress on that sacred brow —the victor with armies yet unraised—the chief of an empire whose corner-stone was yet unlaid—the peerless model for the admiration of ages yet unborn—I need not name his name. Now behold the thick-coming throng of names which Virginia will never "willingly let die." The aged Bland, moving slowly, salutes the host, who advances to greet him; Archibald Cary, his small stature and delicate features veiling from the common eye the lion-spirit that burned within; John Randolph the Attorney General, his noble form still erect, his cheek yet unmoistened with repentant tears; the brilliant brotherhood of Lees; the sprightly Jefferson, his great Declaration and his greater statutes abolishing primogeniture and entails and an established church yet unwritten; John Tyler, the venerable Marshal of the Colony, supported by his son John, on whose youthful and honest face the Anglo-Saxon and the Huguenot seemed to struggle for the mastery; * Carter, another descendant of a president of the Council, still bearing on his escutcheon the heraldic symbol whence he derived his name. Still—still they come;—the Burwells, the Scotts, the Digges', Cabell of Union Hill, Peyton, Mayo, Carrington, Thompson Mason, Jones, Hutchings, Bassett, Read, Lewis, Woodson, Starke, Poythress, Barbour, Ball, Riddick, West, Newton, Walke, Cocke, Banister, Baker, Moseley, Marable, Johnson, Gray, Wilson; and conspicuous even in that gallant band was the benignant face of John Blair. But they came not alone. Would that I could draw aside the pall of time, and present to the view of their lovely descendants the mothers and daughters who shed their brightness and beauty over that fairy scene! The music sounds; and the courteous host leads off the dancing train; and the stately Randolph, the gay Pendleton, the gallant Washington, Innis, then in the dawn of his splendid fame, but in the fullness of his gigantic proportions, Richard Henry Lee, smiling as he offers his only hand to the fortunate fair, join in the mirthful dance.—But that dance is done—the last note of that delicious music has died away—the scene is closed. Even the joy which it inspired, was short-lived. A profligate ministry had deceived the candid but credulous host; and soon that crowd gath-

* The young Tyler in the text is the father of the Ex-president.

ered around his grave.—Years have passed, and the curtain rises once more. The vicegerent of the British king no longer dwells in his palace—he is gone—his very palace is in ruins—the sceptre of his king has been broken. The kingdom has passed away. The Republic has risen in its place and "beams herself" in all her beauty before us. New views and fresh feelings inspire the general mind. Liberty—Independence—Peace—Union—are the magic watch-words of the age. Again, assembled in this city, behold the gladsome throng. The blended arms of Britain and Virginia are no longer seen suspended from the wall. The portrait of the king, too, is gone; but another is seen beside which the image of the proudest king that ever filled a throne grows pale. A familiar face it was and long had been in the streets of this city and at its firesides. But it was a face whose influence no familiarity could impair; for it was the face of him who had led our armies in war, who had succeeded in establishing a federal union, and who was in the first term of his first administration. Grateful tidings from abroad, which filled every breast with joy, had just been proclaimed. The sun of French liberty—too soon to set in blood—was seen on the edge of the horizon. As the people assemble, no lordly minion, in regal array, stands to receive their homage, but, in his stead, beneath his own roof, the modest Blair extends the cordial welcome. Elevated, as he had been, to the highest honors of the federal judiciary, he wears not the simple robe of his office, but appears, as he was, without disguise, like justice herself, whose minister he was. Again the sound of music is heard. Wisdom, gallantry and beauty again move in the mystic mazes of the dance, or share in more serious mood the enthusiasm of the kindling scene. And that music, too, has died away; and all those brave men and lovely women have retired to their homes—and to their graves. But the memory of their genius and valor, of their social elegance, of their beauty and their worth, which diffused so long over this city their charming influence and which is felt to this hour, still lives, and with that memory the image of Blair, as he appeared in private life, is inseparably inwoven.*

Let me invite your attention, Mr. President, to a group of young

* The reader who delights in recalling the images of the past will read with interest the graceful discourse of John R. Thompson Esq. founded on the Botetourt papers, which was published in the Messenger of the past year.

men who are conversing with each other near the door leading into the lobby. There are three of them you perceive. A casual glance discloses at once that two of them are rather above the middle stature, while the third is much below it. Those three young men the observer, if he could have cast his prophetic eye to the close of the century, would have pronounced the most remarkable men in the body. Two of them had just taken their seats in a deliberative body for the first time; the third had been a member of the House of Burgesses at its last session. In their history is wrapped up the history of the most important epoch of the eighteenth century. The tallest of the three was the representative of Williamsburg in the Convention. His noble stature, his handsome face, his imposing address, insensibly arrest the attention. There was something of accident in his position that bespoke respect. He bore on his youthful shoulders the mantle of Wythe, who, having been chosen by the city of Williamsburg as its representative in Convention, was necessarily absent in the General Congress, and was represented by him as his alternate. His position was one of extreme interest to William and Mary; for she well knew that the contest for the honor of sending a delegate to the Assembly, which she had so long and so worthily worn, was now approaching. There was a singular fortune in having such a friend at such a conjuncture. He had been educated within her walls, and his father, and his grandfather before him. The name of his great-grandfather was written in her original charter. All of them had gallantly sustained her interests, and had represented her at various periods in the House of Burgesses. Randolphs, from father to son, from generation to generation, she had counted among her favorite children. She lost her cause indeed, not from any want of ability in her advocates, but from controlling considerations of public policy which no eloquence might gainsay. Sir, I need not say that I allude to Edmund Randolph. He was in the twenty-third year of his age, and nearly six feet in height, and his manners were those of a man who had moved from boyhood in the refined society of the metropolis. His literary acquirements were of the highest order. The English classics he had studied with the closest attention, as some of his books still extant attest. He loved philosophy, and had dipped deeply into metaphysics which Scottish genius had then recently invested with peculiar interest; and he loved poetry as a

kinsman of Thomas Randolph, the boon companion of Shakspeare and Ben Johnson, was bound to love it.* When a young relative, who was to wreathe their common name with fresh honors, was sent to study law with him, the first book which he put into his hands was Hume's "Treatise of Human Nature," and the next was Shakspeare.† He spoke with a readiness, with a fullness of illustration, and with an elegance of manner and of expression, that excited universal admiration. Moreover, he was regarded as the most promising scion of a stock which had been from time immemorial foremost in the Colony. No member could recall a time when a Randolph had not held high office. No man could remember a time when a Randolph was not among the wealthiest of the Colony. A few old men had heard from their fathers that the original ancestor had some time beyond the middle of the previous century come over from Yorkshire poor, and made his living by building barns;‡ but they also remembered his industry, his integrity, and his wonderful success in acquiring large tracts of land which he bequeathed to his children, and the political honors which he himself lived to attain. In the space of near thirty consecutive years, three of the family had filled the office of Attorney General. One had been the Speaker of the House of Burgesses for the past ten years. Nor was their success the result of the prestige of a name, and confined to the Colony. When Peyton Randolph appeared in the Congress of 1774, he was unanimously called to preside in that illustrious assembly. But Peyton had died seven months before, a martyr in the civil service of the country, and his brother John, the father of Edmund, the Attorney General, had adhered to the fortunes of Dunmore. This last circumstance, which might have cast a stain on the escutcheon of most young men, tended to the popularity of Edmund; for it was believed that he not only refused to follow his father, but sought to dissuade him from leaving;‖ and he soon gave a hostage to fortune in leading to the altar a lovely and accomplished woman—a true whig—the daughter of

* Sir John Randolph, the grandfather of Edmund, was a grand-nephew of Thomas Randolph the poet. Va. Hist. Register Vol. IV, 138.

† Southern Lit. Messenger, February 1854. Article on the Randolph library.

‡ Carrington Memoranda.

‖ He was disinherited by his father for refusing to adhere to the royal cause. Preface to the Vindication of E. Randolph, lately republished by his grandson

that stern old Treasurer who would have been the last man living to mingle the blood of his race with that of a traitor. Nor did the smiles of beauty afford the only guerdon of the brilliant triumphs that awaited him. He sought the camp of Washington, and became a member of his military family. The people of this city, as before observed, sent him to the Convention which was now sitting as the alternate of Wythe, and before the close of the year elected him their Mayor. The Convention itself conferred upon him the office of Attorney General under the new constitution; and at a subsequent session of the House of Delegates, he was appointed its clerk. His success at the bar was extraordinary. Clients filled his office, and beset him on his way from the office to the court-house with their papers in one hand and with guineas in the other.* In 1779 he was deputed to the Continental Congress, and remained a member until 1782. In 1786 he was elected Governor by the General Assembly, and was chosen by the same body one of the seven delegates to the Convention at Annapolis, and in the following year to the General Convention which had been summoned to revise the Articles of Confederation. In 1788 he was returned by the county of Henrico to the Convention which was called to decide upon the federal constitution. In 1790 he was appointed by Washington the first Attorney General under the new federal system, as he had been the first Attorney General of Virginia—thus filling an office which had been hereditary for three generations in his family. In 1795 he succeeded Mr. Jefferson as Secretary of State; an office which he held but for a short time, when he withdrew to private life, and resumed the practice of the law. His person, his mode of speaking, the caste of his eloquence, as these appeared in his latter years, are described by Wirt, and will live in the pages of the British Spy. He died in 1813 in the sixtieth year of his age. The history of this extraordinary man is the history of Virginia for the most interesting quarter of a century in her annals, and this history, although it has not yet seen the light, has been recorded by his pen.† Of all the spheres in which he moved, that in the Federal Convention held in

* I heard this fact from an eye-witness.

† Mr. Wirt saw and consulted it while he was writing his sketches of Henry; I am sorry to say that this history was destroyed by fire in New Orleans some years ago, while in the possession of the grandson of Edmund Randolph who resided in that city. The exact date of the birth of Edmund Randolph is August 10, 1753.

Philadelphia will especially attract the attention of posterity. His career in that body was surpassingly brilliant and effective; and, although he ultimately voted against the adoption of the constitution by that body, that instrument may be said, perhaps, to bear more distinctly the impress of his hand than that of any other individual. Nor was his course in the Convention of ratification, in which he sustained the constitution, less imposing. But we must stop here. My present purpose has been to present him to your view as he appeared in the prime of early manhood as the delegate of Williamsburg in the Convention of 1776, and that is accomplished.*

Another member of that youthful group of which Randolph from his stature, and more developed form, was a prominent figure, was HENRY TAZEWELL. He, too, was in the twenty-third year of his age, rather above than below the middle stature, and, though not as portly as Randolph, or as he himself subsequently became, possessed a form of perfect symmetry, and was a model of manly beauty. He was descended from William Tazewell, who came over from Somersetshire in 1715, who married a daughter of Col. Southey Littleton, and who engaged in the practice of the law. His father, Littleton, resided in the county of Brunswick, where in 1753 Henry was born. He lost his father in early life, became a student of William and Mary, and studied law with his uncle John Tazewell, who was the clerk of the Convention then sitting of which he was now a member, and was soon admitted to the bar. Like Pendleton, he may be said hardly to have known a father's care, and, like him, married before he was of age; and shared with him the misfortune of losing the bride of his youth in the short space of three years after their marriage. Her name was Dorothea Elizabeth Waller. Tradition has handed down to us a glowing picture of young Tazewell in the first flower of manhood. Fortunately an admirable portrait by the elder Peale sustains the impression which he made upon his contemporaries. At the court of Elizabeth or of the second Charles, his mere physical qualities would have won his way to the highest offices in the State. His face was extremely beautiful. His bright hazel eye shaded by long black lashes, his nose of Greek

* Edmund Randolph died on the twelfth of September 1813 in the county of Frederic, now Page, and was there buried. No true portrait exists of him. A silouette profile of his face is in the possession of one of his descendants.

rather than of Roman mould, his forehead full and high, his auburn locks, parted at the foretop, and falling "not beneath his shoulders broad," presented a striking picture; while the tints of his skin, partaking more of the Italian than the Saxon hue, bespoke, like his name, which, though assuming an English form, was of French origin, the foreign blood in his veins.* His carriage was altogether becoming, and blended the freedom of the cavalier with the more chastened demeanor of the scholar. But, however prepossessing as his personal appearance undoubtedly was, none knew better than he that at a time when men's lives and liberties and those of their children were dependent upon the wisdom and courage of their representatives, other and far higher qualities were indispensable to a successful public career; and to attain such qualities had long been the scope of his ambition. He had thus prepared himself with the utmost deliberation for the scene which was now opening before him. In 1775, in the twenty-second year of his age, he was returned by his native county of Brunswick to the House of Burgesses, which was convoked to receive the conciliatory propositions of Lord North; and, with an alacrity that did him infinite honor, he prepared an answer in detail which was read and approved by Nicholas and Pendleton, but from a casual absence or from some trifling accident he was anticipated by Mr. Jefferson whose answer was ultimately adopted. That at so early an age he should have prepared with such promptness on so important a question a paper which received the sanction of two of the ablest members of the house, reflects the highest credit upon his intellect and his patriotism. In the Convention now sitting he appeared as a delegate from Brunswick, and, young as he was, was placed on the grand committee which reported the Declaration of Rights and the Constitution. He was regularly returned a member of the House of Delegates for some years under the new constitution until his elevation to the bench; and it was in that school he earned some of his most precious titles to the esteem and gratitude of his countrymen. Nor could a better school of statesmanship have been found than the House of Delegates from the de-

* The name is believed to have been spelt originally Tazouille, and those who bore it came over from France to England prior to the revocation of the Edict of Nantes. The portraits of Judge Tazewell and his wife are in the possession of his son Gov. Tazewell. The resemblance between the husband and wife is striking.

claration of independence to the adoption of the federal constitution. All the leading topics of a republican system, all the great measures of domestic legislation, were perpetually brought into view, and were discussed with extraordinary ability. The law of primogeniture, the law of entails, the expediency of a church establishment, paper money, the payment of taxes in kind, the confiscation of British debts, the discrimination in regard of emigrants, the mode and means of conducting the war, the expediency of forming the Articles of Confederation, and, subsequently, of amending them, the regulation of commerce, the disposition of the public lands, stretching to the northern lakes in one direction and to the Mississippi in another; these were some of the subjects discussed at that time by the public men of the new Commonwealth; and it was in this school that the talents of Tazewell were displayed with such effect as to make a strong impression of his qualities as a jurist and as a statesman.

It has been observed that Tazewell engaged early in the practice of the law. He soon relinquished the ordinary county business, and confined himself to the General Court, at the bar of which he rose into eminence, and enjoyed a large and lucrative practice. Hence in 1785, at the early age of thirty-two, an age when others were in their noviciate at that bar, he was elected to a seat on its bench, and consequently became a member of the first Court of Appeals. In 1793 he was elected a member of the Court of Appeals now consisting of five judges; and in 1795 he was chosen a Senator of the United States, as the successor of John Taylor of Caroline, even though the name of his friend Madison was put in opposition to his own.

The office of a Senator of the United States has always been held in high honor; nor is its importance likely to be diminished with the expansion of our territory and from the controlling position which this country must ere long maintain among the nations of the earth; but it would be improper to overlook the fact that the relative importance of the individual members was greater more than fifty years ago than it is at present, and that the body itself consisted of men of a higher order of talents than is now to be seen. The number of Senators was then small, hardly exceeding that of the independence committee of the Convention now sitting, or of the committees on the legislative, executive, or the

judiciary department in the Convention of 1829–30, and did not exceed thirty members. A single vote might be expected ordinarily to decide the most serious questions. A single vote would have rejected the treaty with Great Britain negotiated by Mr. Jay. Moreover, the time when Tazewell took his seat in the Senate, was one of unprecedented difficulty. It was indeed a sphere congenial to his tastes and for which his career in the House of Delegates and on the bench eminently qualified him; still his position was peculiar and deeply responsible. He was the youngest member whom Virginia had yet sent to the Senate. As an American, and, above all, as a Virginian, he cherished the highest admiration and the warmest affection for that illustrious man who then presided in the federal government; yet, painful as the office was, he was constrained by his own sense of duty and by the known will of his constituents, to oppose the great measures of the administration. The question of the assumption act, and of the Bank of the United States, had already been settled; but he was called upon immediately to consider the British treaty which the president had just communicated to the Senate, and to oppose its ratification with all his zeal. In the discussions on the merits of the treaty he bore a distinguished part, and proposed a series of resolutions embodying the principal objections to that instrument, which involved one of the most memorable debates in our history, and which were ultimately lost by a vote of twenty to ten.* But we cannot dwell longer on his course in the Senate than to observe that he performed with unqualified applause the office of a leader in the republican party during a period of five years the most remarkable in our annals. As a state politician, he approved the abolition of primogeniture and entails, and the separation of the church from the state. He was a friend of religious freedom in its largest sense; and when Priestley, flying from a persecution which had reduced his library to ashes, and which threatened his life, arrived in this country, he became his friend; and a copy of his work on History, presented to him by the author, is still to be seen in the

* Of the thirty members who voted on the question of ratifying Jay's treaty, all are dead. Col. Burr, who represented New York, was the last survivor. S. T. Mason was the colleague of Henry Tazewell, and both left sons who held seats in the Senate. It is a singular coincidence that Henry Tazewell in 1795 succeeded John Taylor of Caroline in the Senate of the United States, and that his son Littleton thirty years afterwards succeeded the same individual. Tazewell's Resolutions may be seen in Senate Journal, June 24, 1795.

library of his son. On the subject of state taxation he was in advance of his times; and after the close of the war resisted the policy of the payment of taxes in kind as equally injurious to the interests of the planter and of the Commonwealth; and, although that system was upheld by Henry, Pendleton, Cabell of Union Hill, and other prominent men, he finally succeeded with others in effecting a change. His career in the federal councils drew to a sudden close. He was taken ill from exposure on his journey to Philadelphia in which city Congress then held its sessions, and died in the winter of 1799 in the forty-eighth year of his age. There his remains repose near those of the eloquent Innis. Thus passed away one among the most distinguished of our early statesmen, who from his youth, in the sunshine of peace and amid the storms of revolution, had devoted all his faculties to the service of his country; and if the light of his glory in the long lapse of years has seemed to grow dim, it is a subject of gratulation that it has been lost, as his fondest wishes would have led him to lose it, in the blaze which the genius of his only son has kindled about his name.

Widely different from the fate of Henry Tazewell was that of the small, delicate young man by his side, the last of the triumvirate, his associate and friend. They were indeed to act in unison with each other, and in the bonds of strictest friendship, for almost a quarter of a century yet to come; but, when Tazewell departed, the fame of that young man had not reached its zenith. He was two years older than Tazewell, but not only survived him more than a third of a century, but saw, in the long lapse of sixty years, every member of the Convention, one by one, pass to the grave. His health had been impaired by the zeal with which he had pursued his studies at Princeton under the fostering care of Witherspoon; and, although he had taken his degree five years before and had spent the interval in the country, it had not recovered its original vigor. If he did not possess the personal accomplishments of Tazewell, his gallant bearing, and that intuitive tact with which he unconsciously won the regards of all with whom he associated, there was much about him that was engaging, and to a close observer prepossessing. In stature he was indeed one of the smallest of men; but his modest deportment which almost approached a sensitive reserve, his simple and pleasing address, and,

above all, his face on which even then might have been slightly traced those lines of benevolence and thought which, after an interval of eighty years, are freshly remembered by many persons now living, were soon observed, and, when once observed, made a decided impression in his favor. Even then, as in the admirable portrait of him by Catlin, taken five years before his death, might have been seen that peak of hair descending low in front and in its sudden retirement displaying a forehead which Lavater or Spurzheim would have reverently touched.* Added to the various qualifications of the scholar and statesman which, young as he

* The following memorandum I received from Gov. Edward Coles, of Philadelphia, who submitted it for the correction of Mr. Madison which it received: "The earliest account Mr. Madison had of the residence of his ancestors in Virginia was, that John Madison took out a patent in the year 1653 for land situated between "North and York rivers," on the shores of the Chesapeake Bay. He was the father of John Madison, who was the father of Ambrose Madison who married Frances Taylor, August 30, 1700, lived at Montpelier in Orange county, and was the father of James Madison who married Eleanor Conway, who were the parents of James Madison, the fourth president of the United States, who was born at the house of his maternal grandmother at Port Conway near Port Royal on the Rappahannock river March 16, 1751. He was sent to school to Mr. Robertson, a Scotchman, in King and Queen county, by whom he was taught English, Latin, Greek, French, Spanish, &c. He afterwards continued his studies at his father's house in Orange county under the tuition of Parson Martin, a Jerseyman and brother of Gov. Martin of N. Carolina, until 1769, when he went to Princeton College in New Jersey. There he graduated in 1771, having studied the Junior and Senior classes in one year. He remained in bad health at Princeton until 1772, studying and availing himself of the Collegiate library, and friendly advice of Dr. Witherspoon, the president of the College, who took a great liking to him. He remained in bad health for many years, having an affection of the breast and nerves; but for which circumstance he would have joined the army. In the spring of 1776 he was elected a member of the General Assembly of Virginia. He lost his re-election in 1777 in consequence of his refusing to treat and electioneer. He was elected by the General Assembly in the winter of 1777–8 a member of the Executive Council of Virginia, and remained a member of that Council until the winter of 1779–80, when he was elected by the General Assembly a member of Congress, in which body he served until the fall of 1783. He was elected a member of the General Assembly of Virginia in the spring of 1784 and again in 1785. He was elected in 1786 a member of Congress by the General Assembly, and also to the Annapolis Convention; and in 1787 he was elected to the Philadelphia Convention which made the Constitution of the U. S., and in 1788 to the Virginia Convention which ratified it on the part of that state. He remained in Congress from 1786 to March 1797. He was elected a member of the General Assembly of Virginia in the spring of 1798; an elector of President and Vice President of the U. S. in 1800; appointed by president Jefferson Secretary of State of the U. S. in 1801; and elected President of the United States in 1808, and again in 1812." "To this should now be added, that he was elected in 1829 to the Convention which met at Richmond to amend the Virginia constitution. And it may be interesting further to add, that Zachary Taylor, who was elected president of the United States in 1848, was of the family of Frances Taylor who married Ambrose Madison as above stated, and in that way was a relation of Mr. Madison. In September 1794 Mr. Madison married Mrs. D. P. Todd, whose maiden

was, he possessed to an amazing extent, there was an exquisite sense of humor, an almost inseparable concomitant of high genius, which, it may be mentioned as a trait of character, though sensibly felt and admired in conversation, and which was to be detected in the demure caste of his flexile lips, was so effectually controlled as never to appear in any of the written compositions of a long life, nor in the spontaneous effusions of public discussion. Such was the wealth of his mind, that, as if he thought that in the discussion of public questions no other weapons were necessary than those with which truth and reason supplied him, he could hold in abeyance a faculty, which, of itself, built up one of the most brilliant reputations of the last half century, and which none could have wielded with more masterly skill than himself. Nor did his love of humor forsake him in his old age. During the last year of his life, when visited by two eminent men, his friends and neighbors, as he resumed his recumbent position on the couch from which he had risen to receive them, he apologised for so doing, observing with a smile: "I always talk more easily when I *lie*.* In the Convention now sitting he took his station, as it were at once, by the side of the first men of the body, and though a new member, and a most youthful one, undistinguished by descent or wealth, and though not present at its organization, he was placed

name was Payne. The family was from Virginia, but had for several years resided in Philadelphia."

"Mr. Madison died on the 28th of June, 1836, and was interred by the side of his father and mother in the family graveyard at his seat called Montpelier."

"In his dress he was not at all eccentric, or given to dandyism; but always appeared neat and genteel, and in the costume of a well-bred and tasty old school gentleman. I have heard in early life he sometimes wore light-colored clothes; but from the time I first knew him, which was when he visited at my father's when I was a child, never knew him to wear any other color than black; his coat being cut in what is termed dress-fashion; his breeches short, with buckles at the knees, black silk stockings, and shoes with strings or long fair top boots when out in cold weather, or when he rode on horseback of which he was fond. His hat was of the shape and fashion usually worn by gentlemen of his age. He wore powder on his hair, which was dressed full over the ears, tied behind, and brought to a point above the forehead, to cover in some degree his baldness, as may be noticed in all the likenesses taken of him. This calls to mind your inquiry as to what likeness of him I consider the best. Stuart's has always been so considered, and I have, I presume, the best he ever took, as it is an original one taken for Mr. Madison in 1803 or '4. The likeness by Longacre, taken in 1833, is an excellent one of him at that time. The features and expression in his likeness, I think, are more accurate and faithful of him in the 83rd year of his age, than likenesses taken of him at an earlier period."

* I have heard the Hon. W. C. Rives tell this incident with fine effect.

with his friends Tazewell and Randolph on the grand committee for drafting a declaration of rights and a plan of government. It was impossible to converse with him in the intervals of business, or at an evening party, without feeling that he deserved the compliment which the great critic of Greece paid, as a mark of immortality, to the Jewish law-giver, but which has since degenerated into common-place, that he was no common man. The precision and purity of his speech, his familiarity with topics beyond the reach not only of ordinary young men but of reputable statesmen, the richness and beauty, and, especially, the appositeness and force of his illustrations drawn from ancient and modern history, excited the admiration of the social circle. For, as yet, he had not engaged in public debate; nor was it until he had served in the House of Delegates and in the Congress, that he participated in discussion; but, when once he had essayed his strength, he never fell back, and thenceforth displayed talents for business and debate rarely surpassed. How it would have cheered the hearts and have given fresh animation to the purposes of that assembly, if, at that hour of trial and suspense, when a war with the most formidable nation of the world was actually raging round them, they could have read the future history of that young man! —could they have known that he, young, delicate, unpretending as he was, the son of a plain Orange planter, was destined to live to see a constitution, to be made by their hands, flourish for more than half a century; that mainly through his efforts, a massive church-establishment, which for almost two centuries had been the minister of peace and holy joy to some of the greatest and purest men who had lived during that time, and of persecution, torture and death to others equally as good and equally as great, should topple to its downfall; that he would become a member of the Congress of a Confederation, in the framing of which he was to render essential aid, yet to be formed, which would bear the country triumphantly through the war; that he would assist in the ratification of a treaty with Great Britain, which would acknowledge the independence of the States, and establish peace within their borders; that he would be appointed a member of a Convention which would form a federal constitution, and of a Convention, which, in the name and in behalf of Virginia, would ratify it, and that he would perform a distinguished part in both bodies; that

under that system his country was destined to become one of the most powerful nations of the globe; that he should be chosen a member of the House of Representatives under the new system, and extend efficient aid in putting that system into operation; that in the fullness of time he should become under that government the Secretary of State, and the President of the United States; that he should declare the second war with Great Britain, and, when he had broken the spell of British invincibility on the sea, should ratify another treaty of peace with that haughty power; that he should preside in his retirement from high office in a noble University called into existence by his native state; that he should be summoned in extreme old age, his faculties yet unimpaired, after the lapse of more than half a century, to revise the constitution which the Convention now sitting was about to form; that sixty years from that time, and on the sixtieth anniversary of the day on which they were to adopt their constitution, he should descend to the grave;* that a nation of fourteen millions of people, stretching from the Northern lakes to the Gulf of Mexico and from the Atlantic to the Pacific, should testify their grief by the flowing of tears, by the tolling of bells, by the thunders of artillery, by the stately march of funereal processions such as in the Old World only commemorate the obsequies of kings, and by eulogies from the lips of their most eloquent men; and that the settler in his cabin beyond the Mississippi and by the waters of the Oregon, the teacher in his school, the mechanic in his shop, the sailor on the deck, the professor from his chair, the priest at the altar, the statesman in the senate, and the grave historian with his awful style in his hand, should pronounce with one accord that the synonym of private and public virtue, of exalted statesmanship, and of true glory, was to be found—then and thenceforth—in the name of JAMES MADISON.†

The points of connexion between Madison, Randolph, and Tazewell are more numerous and more conspicuous than are usually

* The Convention practically adopted the constitution on the 28th of June, and appointed the next day for making the elections called for by the instrument; the last reading on the 29th being merely a matter of form. Mr. Madison died on the 28th of June, 1836.

† Perhaps the highest compliment Mr. Madison ever received was that pronounced by his great antagonist in federal politics, John Marshall, that "he was the model of the American statesman." This is on the authority of C. J. Ingersoll.

seen in the lives of eminent contemporaries. Randolph and Tazewell were residents of this city, were students of this institution, and were well known to each other. Madison had studied at Princeton, and was not generally known here until he appeared in the Convention. All three may be said to have begun their public life with the session of the Convention, though, strictly speaking, Tazewell had sat in the House of Burgesses at its last session. From this date they engaged in the generous contest for reputation and for public honors, and gallantly did they put forth their fine qualities until near the close of the century, when Randolph withdrew altogether from public life, and when Tazewell, his arm never more vigorous, his spirit never more eager, clad in full panoply, and in the front of the fight, fell on a distant field. All three were immediately placed on the grand committee for drafting a declaration of rights and the constitution,—a signal honor for men so young. Randolph was elected by the body the first Attorney General of the new Commonwealth. Madison and Tazewell were returned to the first House of Delegates under the new Constitution, Randolph, who held his appointment as Attorney General, soon to become its Clerk. At the next session Madison was elected a member of the Council; Tazewell kept his post in the House, and Randolph the Attorney Generalship. Randolph was the first of the triumvirate to go abroad, having been sent to Congress in 1779, whither he was followed the year after by Madison. In 1785 Tazewell, who had held his seat in the House of Delegates continuously near ten years, was elected a judge of the General Court, and under the existing law became a judge of the Court of Appeals, Madison now returning to the House of Delegates, and Randolph soon after having been elected Governor. All of them approved a revision of the Articles of Confederation, Madison and Randolph having been deputed to the Convention at Annapolis, and to the General Convention in Philadelphia, and Tazewell, who, foreseeing the protracted sessions of the body, and unable to leave his seat on the bench for the third of a year without manifest injury to individuals and to the public, remaining at home.* In the discussion, of the General Convention both Madison and Randolph were conspicuous; Randolph, however,

*Mr. Wythe tried the experiment of leaving his court but was soon compelled to return. I have lately heard from Gov. Tazewell that Mr. Wythe returned in consequence of the death of his wife.

bringing forth a scheme, which, it is believed, was concocted between them, which prescribed a form of government self-acting and complete within itself, and which was in substance ultimately adopted; and though Randolph differed from Madison and voted against the adoption of the constitution in the Convention which framed it, while Madison strenuously upheld it, both sustained that instrument in the Virginia Convention which was summoned to pass upon it; Tazewell, though not a member of the latter body, being opposed to its ratification. The papers of Madison, published by Congress, attest the close and long-continued correspondence on political subjects that was carried on by Madison and Randolph, and reveal some traits of the times not to be seen elsewhere. On the adoption of the federal constitution, all three of these young men embraced the same rules for the adjustment and interpretation of its powers, Madison taking his seat in the first House of Representatives, and Randolph, who had recently retired from the office of Governor, his seat in the Cabinet of Washington as the first Attorney General; Tazewell, who was shortly after called to the Court of Appeals under the recent law, not taking his seat in the Senate until the close of the first administration; all three, however, having coincided with each other from the beginning on the great questions of constitutional law and public policy to which the establishment and the administration of the new government gave rise. Randolph, having succeeded Mr. Jefferson as Secretary of State, withdrew finally in 1795 from the federal arena, and devoted the remainder of his life to the practice of the law, Tazewell and Madison, one in the Senate, the other in the House of Representatives, leading the van in the contests in which their party was engaged. In 1799 Tazewell was suddenly cut off, but not until he held a position which placed him in advance of his friendly rivals and associates. To be chosen a member of the Senate of the United States is indeed a great honor, but to be elected by Senators to preside in the body is, perhaps, the highest individual honor within the scope of our government.* By the side of such a distinction, a mere executive appointment, however exalted, sinks in the comparison. Thus was the field left to Madison, who, delicate as he was in youth and indeed throughout life, and averse from that

* Judge Tazewell was twice elected president of the Senate. Thirty-seven years later his son was elected to the same office.

training which is believed to impart stability to health, survived Randolph near a quarter of a century, and Tazewell more than a third.*

Yet, however brilliant were Madison and Randolph and Tazewell, and full of promise, they were in the midst of men, who had ruled the destinies of the colony before they were born, who were now in the full possession of their faculties, and who were for a long time to come yet to lead the deliberations of the house. There are two men, not far from each other you perceive, who began their career about the same time, who resided not far from each other on opposite banks of the James, who pursued their youthful studies within the walls of your institution, who in all the perplexing contests in the House of Burgesses previous to the Revolution stood side by side, who were to assist in the public councils either at home or abroad throughout the war, and who survived to behold the establishment of independence. Here, within this sanctuary, whose floor has often echoed their youthful tread, let their names be pronounced with gratitude and praise. I allude to ARCHIBALD CARY of Ampthill in the county of Chesterfield, and to BENJAMIN HARRISON of Berkeley in the county of Charles City. One of them, you see, is much taller than the other. Harrison was six feet high, of large dimensions, and of a florid aspect; while his compatriot Cary barely reached the middle stature, was compactly built, and was of such capacity of physical endurance as to have received partly on that account but mainly from his indomitable courage the soubriquet of "Old Iron."* The face of Cary in youth was remarkably handsome; his features small and delicately chiselled; his eye of that peculiar brightness which may yet be seen in all his race. His portrait, painted by the elder Peale, may be seen in the

*It is curious to observe that neither Tazewell nor Randolph ever lost an election, while Madison was defeated in his election as a candidate for the House of Delegates in 1777, as a candidate for the Senate of the first Congress, and as a candidate for the same office in 1795 when Tazewell was elected; but in this last mentioned instance it is certain that his name was put forth rather in the spirit of opposition than with a view of securing his election, as the regular candidate of the party enjoyed from first to last its entire confidence. It may be mentioned that Tazewell was elected to the office of Recorder of the Borough of Norfolk which Sir John Randolph filled at the time of his death, and was succeeded by Edmund Randolph.

* It is probable that, as Col. Cary had an iron furnace and a manufacturing mill on the site of the old furnace on Falling Creek established by John Barkly, who was murdered there with all his men by the Indians on the 22nd of March, 1622, this circumstance might have suggested the name of Old Iron. His mills were burned by the British during Arnold's invasion.

parlor of his grandson in the county of Cumberland.* In form and temperament, his grandson, the late Governor Thomas Mann Randolph, is said to have borne a near resemblance to him. He had many of those qualities which were congenial to the tastes of the colonial aristocracy; for his ancestors had not only emigrated as early as 1640 to the colony, but were unquestionably of noble extraction. His ancestor, Miles Cary, had sat in the House of Burgesses more than a century before the passage of the resolutions against the stamp act. He was a descendant of Henry Lord Hunsdon, and was himself at the time of his death the heir apparent of the barony.† He delighted in blooded horses and in improved breeds of stock which he imported with patriotic views, and was most systematic and successful as a planter. But it was not his physical prowess, his noble blood, or his agricultural skill, which gave him the decided preponderance which for five and twenty years he held in the councils of the colony and of the Commonwealth. He entered the House of Burgesses at an early age, soon became intimately acquainted with its forms, and rose into the front rank of men who were ever the first of any assembly to which they belonged. In 1764 he had attained to such eminence, that he was appointed one of the committee of nine to which was assigned the duty of preparing memorials to the king, to the lords, and to the commons;‡ and in 1765, for the reasons stated in the case of Pendleton and Bland, voted against the resolutions of Henry. In 1766 it was on his motion that Peyton Randolph was elected speaker of the House of Burgesses as the successor of Col. Robinson, in opposition to Col. Bland who was nominated and eloquently sustained by Richard Henry Lee. In 1770 he was a member of the mercantile association consisting of the members of the House of Burgesses and the leading merchants, which was organized to resist the stamp act by practical measures, and his name stands fifth on a list which records the patriotism of Washington, Pendleton, Wythe, Nicholas, Bland, Richard Henry Lee, Eyre, Barraud, Thomas Newton, Anthony Walke, John Hutchings, Paul Carrington, Benjamin Harrison, and of other gallant spirits who were foremost in resisting

*John Cary Page, Esq.

†For the family of Cary see Burke's Commoners, "Cary of Fullerton."

‡The committee consisted of Peyton Randolph, R. H. Lee, Landon Carter, Wythe, Pendleton, B. Harrison. Cary, Fleming and R. Bland.

the attacks upon the liberties of the colony. In 1773 he was one of the eleven who composed the celebrated Committee of Correspondence, and in August 1774 was a member of the first Convention of Virginia, which met in this city, and which appointed delegates to the Congress which assembled in Philadelphia the month following, and was duly returned to the other Conventions which were held until the state government was established. In the Convention of 1776 now sitting his position was one of the highest distinction. As chairman of the house in Committee of the whole, he reported the resolution instructing the delegates in Congress to propose Independence, and when the committee was appointed to prepare a declaration of rights and a plan of government, and which consisted of the ablest men in the body, he was placed at its head, and reported those measures to the house. It was from his lips that the words of the resolution of independence, of the declaration of rights, and of the first constitution of Virginia first fell upon the public ear. Rarely has it been the fortune of a statesman to connect himself so intimately in so brief a space with three such important measures in the history of a nation. On the organization of the state government he was returned to the Senate, and became the first speaker of that body, performing the duties of the office with a readiness which from his long and familiar acquaintance with the proceedings of public bodies seemed intuitive, and with a dignity and elegance which tradition has delighted to commemorate. It was while he was speaker of the Senate that a thrilling incident is said to have occurred, which, even if apochryphal, shows in a striking manner the estimation in which he was held by his contemporaries. The scheme of a dictator, according to Girardin, was talked of in the Assembly, then sitting (1776) in this city; and i is alleged that the friends of the measure were in favor of Patrick Henry for the office. Bitterly opposed to such a scheme, and under the excitement of the moment, Col. Cary met Col. Syme, the half brother of Henry, in the lobby of the house, and accosted him: "Sir, I am told that your brother wishes to be dictator—Tell him from me, that the day of his appointment shall be the day of his death; for he shall find my dagger in his heart before the sunset of that day." So far as the existence of such a project is concerned, it is proper to observe that the journals of the Senate and House of Delegates are wholly silent; but they contain resolutions conferring

large powers upon the Governor and Council, and instructing the delegates in Congress to propose to that body the propriety of investing Gen. Washington with powers almost dictatorial, which the Congress at an early day assented to. We must be careful in forming our opinions upon such questions to place ourselves in the point of view occupied by the statesmen of that day; to call to mind the crisis that was impending; to remember that the House of Delegates, when its members had just escaped the sabres of Tarleton's cavalry, and when Col. Cary himself was speaker of the Senate, did pass a resolution authorising a number of the members less than a majority of the whole house to constitute a quorum, thus surrendering the powers of the house not to one dictator but to more than one; and that during almost the entire period of the Revolution, South Carolina, who had formed a plan of government before Virginia had adopted her constitution, invested her Executive with the very powers which it is alleged some of our politicians were anxious to confer upon our own Executive.*

This distinguished man remained in the senate as its presiding officer until 1786, when he died at Ampthill, where his ashes now repose. The career of Col. Cary was confined to Virginia, and though his reputation is almost unknown to the reader of general history, the various and responsible services which he rendered for a quarter of a century to his native state, his fervid patriotism, which impelled him onward when others shrunk back appalled, and his serene intrepidity, afford imperishable titles to the love and gratitude of coming generations.†

*On this subject see Wirt's Henry 222 and 248; Girardin's continuation of Burk, written under the eye of Mr. Jefferson who endorses in his autobiographical sketch (Memoirs vol. 1) so much of the work as treats of his own state-administration, page 189; and Jefferson's Notes Query XIII. Constitution. Those who may have had glimpses of the secret history of this epoch may well believe that some spicy discussions are yet to appear upon this subject.

† The following extract from a letter in my possession will be read with some interest by the student of William and Mary as well as others:

"Miles Cary, the son of John Cary of Bristol, England, came to Virginia in 1640, and settled in the county of Warwick, which in 1659 he represented in the House of Burgesses. In 1667 he died, leaving four sons. His second son, Henry, was appointed on the removal of the seat of government to Williamsburg superintendant of the Capitol and other public buildings to be erected there. His son Henry (the father of Archibald) was also appointed in due time to superintend the rebuilding of the College of William and Mary, where on the 31st of July 1732 the first five bricks of the President's house were laid by James Blair, the President, Bartholomew Yates, William Dawson, William Stith, (the historian,) and John Fox professors, at the instance of Mr. Cary. Mr. C. married Mary a daughter of Richard Randolph of Curls, county of Hen-

With Archibald Cary was intimately associated in the councils of the Colony and of the Commonwealth BENJAMIN HARRISON of Berkeley, his neighbor and his friend. He, too, was a member of the House of Burgesses at an early period, was a member of the committee of 1764 which prepared the memorials to the king, to the lords, and to the commons of England, a member of the House in 1765, and, like Cary, and on the same grounds, opposed the resolutions of Henry; a member of the Mercantile Association of 1770; a member of the Committee of Correspondence; and a member of all the Conventions held until the government under the Constitution was established. In the Convention of March 1775, from the considerations which swayed Nicholas, Bland, Pendleton, and others, he joined with Cary in opposing the resolutions of Henry for putting the colony into a "posture of defence," but was appointed one of the committee of twelve to carry those resolutions into effect. In 1774 Harrison was appointed one of the seven delegates to the first Congress, and was elected four times to a seat in that body. If Archibald Cary reported to the Virginia Convention the resolution instructing the delegates in Congress to propose independence, Harrison, as chairman of the Committee of the Whole in Congress, reported to that body the resolution that declared the colonies free and independent, and subsequently in the same capacity the great Declaration itself, which in due time he signed, thus recording his name on a charter compared with which the roll of Battle Abbey is but the plaything of pride and folly. If Cary was chosen to preside in the Senate of Virginia, Harrison was called to the chair of the House of Delegates, and would have been elected to the chair of Congress as the successor of his brother-in-law Peyton Randolph, but that from motives of the nicest delicacy and of the loftiest patriotism he insisted that his name should be withdrawn in favor of John Hancock, who was accordingly elected.* It was on his return from Congress that he

rico, and left five daughters, married to Thomas Mann Randolph of Tuckahoe, Thomas Isham Randolph of Dungeness, Archibald Bolling, Carter Page, and Joseph Kincade. Col. A. Cary died at Ampthill in September 1786."

* It is reported, too broadly perhaps, that when Hancock, who had but recently taken his seat in Congress, was reluctant to accept the chair, Harrison, who was remarkably athletic, took him up in his arms, and placed him in it, declaring at the same time: "We will show mother Britain how little we care for her by making a Massachusetts man our president, whom she has excluded from pardon by a public proclamation."

Our limits prevent a full enumeration of the important posts held by Col.

entered the House of Delegates, of which he was chosen Speaker —an office which he filled until 1781, when he was elected Governor of the Commonwealth. He was also a member of the first Council of State, and was a member of the Convention which ratified the federal constitution, casting his vote against it. He died in April 1791 at his residence in Charles City.

Of all the ancient families in the Colony, that of Harrison, if not the oldest, is one of the oldest. The original ancestor sometime before the year 1645 had come over to the colony; but, as his name does not appear in the list of the early patentees recorded by Burk, it is probable that he bought land already patented, or may have engaged in mercantile pursuits. The first born of the name in the colony of whom we have a distinct record, was Benjamin Harrison who became a member of the Council, and was Speaker of the House of Burgesses, and died in Southwark Parish in the county of Surry in 1712, in his sixty second year.* And from 1645 to this date, a period of more than two centuries, the name has been distinguished for the patriotism, the intelligence, and the moral worth of those who have borne it. Berkeley, or, as our ancestors spelt and spoke the word, "Barkley," and Brandon were almost as familiar names two centuries ago as they are now, and as Rufford and Stowe were to the colonists in the time of Charles the second. If Cary could trace his lineage to the British nobility, Harrison could boast of a relationship which at a later day eclipsed that of his friend and compeer; for, though not lineally descended from Col. Harrison who sat in the council

Harrison in Congress. He was throughout his long term of service almost invariably chairman of the Committee of the Whole, and especially while the articles of Confederation were under discussion. He was one of a committee of three sent to Washington at Cambridge to concert plans for the supply of his army. He was chairman of the Board of War, and of the Committee of Foreign Affairs until a bureau was formed with a secretary at its head. He was sent by Congress on a mission to Maryland to concert with the Executive of that Colony a scheme for the defense of the Cheseapeake. He was sent to New York to arrange with Gen. Lee a plan of defense for that city and for the selection of sites for forts on the East and North rivers. He was also chairman of the committee on Marine Affairs, which included the regulation of the Navy. He was the chairman of the Canada expedition committee. Indeed the numerous and important trusts committed to him during his prolonged term show the unlimited confidence placed in his military skill, practical sense, and unflinching patriotism.

* The probability is that B. Harrison, the eldest, was a son of Hermon Harrison, who came over in what was called the "Second Supply" to Virginia, (see Smith's Hist. of Va. Rice's edition Vol. I. 203,) or of Master John Harrison who was Governor in 1623, Smith's History Vol. II. 165.

which condemned Charles the first to the block, was connected collaterally with him; and, if he was not to tread in his footsteps in consigning a king to the scaffold, he was destined to act a prominent part in sundering the dominions of one of his successors on the throne of Britain. The distinctive merits of Harrison, though he both wrote and spoke readily and ably, lay not so much in his strictly intellectual qualities, as in the force of his character, his practical sense, his fearlessness, and his love of country. Great presence of mind, a temper whose cheerfulness the innumerable vexations of a civil war could not cloud, and his downright candor which knew no compromise, and which led him to say plain things in plain words, were also among his leading characteristics. Hence the positions which he held in Congress; in military affairs, the difficult and delicate missions on which he was despatched to Cambridge, to Maryland, and to New York, the duties of which he discharged with the unanimous approval of Congress, and of the General Assembly of his native state, which more than once acknowledged their warm sense of the value of his public services.* I have alluded to his cheerfulness in times of trial. Even on the gravest occasions his humor sometimes moved the mirth of his associates. He was a very large man, and by the side of Elbridge Gerry, who was very spare, he was almost a giant; and overlooking Gerry as he affixed his name to the declaration of independence which he had previously signed, observed to him: "Gerry, when the time of hanging comes, I shall have the advantage of you; it will be over with me in a minute, but you will be kicking in the air half an hour after I am gone."† The readiest and most successful impromptu ever uttered on the floor of Congress is recorded of him by Mr. Jefferson. When in June 1775 John Dickinson had succeeded in procuring the adoption by Congress of a declaration of the causes for taking up arms, written by him in a temper almost revolting to the body which had sanctioned it wholly from regard to him, and in strong contrast with the manly one written

* Journal House of Delegates 1776 page 6.

† Cheerfulness in contemplation of the gallows would seem to be an hereditary trait of the Harrisons. Pepys in his Diary under the date of October 13, 1660 (Vol. I. 146, London edition of 1828) has the following reference to Col. Harrison the regicide on the morning of his execution: "I went out to Charing Cross to see Major General Harrison hanged, drawn, and quartered; which was done there, he looking as *cheerful* as any man could do in that condition."

by Mr. Jefferson which it supplanted, he could not restrain his joy, and rose out of order to say to the house that there was but one word in that paper which he disapproved and that was the word *Congress.* Harrison instantly rose and said: "Mr. President, there is but one word in that paper which I approve, and that is the word *Congress.** Harrison out-lived Cary five years, and like him, may be said to have died in the public service; for, though far advanced in life, he was a member elect of the House of Delegates, and was regarded as the person most likely to be chosen Governor at the approaching session of the Assembly;—thus equipped to the last in the full harness which he put on in his early youth, and which, for the third of a century, in war and in peace, he had worn with honor to himself and with benefit to his country.† We would fain indulge the wish that it had been vouchsafed to this aged patriot to know that in the fullness of time, when his country had doubled its territory, and increased more than fourfold its population, his son William Henry should receive the highest honor within the gift of a free people.

And, now, Mr. President, if you look over the House, you will perceive that the tide of emigration, which has since flowed so steadily from East to West, and which will continue to flow for generations and for ages to come, had already begun its course, and you will recognize men who were born in the East, but nurtured in the West as the West then was, as the representatives of their adopted homes on the floor. About the year 1748 or 1750 a tall slim youth in the sixteenth or seventeenth year of his age, over six feet in height, with prominent features, bright blue eyes, and sandy hair, might have been seen passing on horseback by Roanoke Bridge in the county of Charlotte then a part of Lunenburg, on his way from Cumberland through the present estates of Edgehill and Greenfield, now owned by his descendants in the second and third degree, to Bushy Forest, the seat of Col. Clement Read, the clerk of the county of Lunenburg, who then held his office, as was almost invariably the case with clerks before the Revolution and for many years subsequently, at his private residence. The youth was of English de-

* Jefferson's Memoirs Vol. I. 9.

† It may be proper to say that Harrison did not leave his seat in Congress to attend the present Convention; though R. H. Lee, and Wythe, and Nelson, who were also in Congress, appeared in the body before its adjournment.

scent. His maternal grandfather and his father had emigrated to this country by the way of Barbadoes in the early part of the century, and both had been engaged in the expedition of Col. Byrd, undertaken in 1736, for the ascertainment of the boundary line between Virginia and North Carolina. That youth was PAUL CARRINGTON. He had probably learned the rudiments of Latin, and had acquired mathematics enough, if not to calculate an eclipse, to perform with the exactest skill the ordinary computations in the business of life. He wrote a hand neat and small, which retained for near seventy years after undiminished its steadiness and its beauty. He was about to engage in the study of the law through the slow process of an apprenticeship in a clerk's office, and, like Pendleton, was to pass years of toil at the desk before his probation was to close. Like Pendleton, he gained the confidence of his master; and, unlike him, did not place it in jeopardy by a hasty marriage, but sought the hand of his master's daughter, which in due time he won. At one and twenty he began the practice of the law, and set about his business in such earnest that he soon rose into eminence, and up to the time of the Revolution, usually obtained more fees at a single court than are now received at all the courts of the counties into which the then shires have been since divided. The fees of that day were indeed small, but were carefully recorded by Carrington in books neatly ruled and neatly written, which after the lapse of more than a century are yet extant to attest his mode of business and the vast extent of his practice.* In 1765, when the county of Charlotte was set apart from Lunenburg, he was returned to the House of Burgesses. When he took his seat, the session was advanced, but he was present when the resolutions of Henry against the Stamp Act were proposed, and voted against them.† He was successively returned

* These fee books are now in my possession by the kindness of Henry Carrington, esq., of Charlotte, the only surviving son of Paul Carrington the elder. I am also indebted to Mr. Carrington for the loan of his father's copies of some of the original journals of the House of Burgesses, including the session of 1765.

† Since the delivery of this discourse, I have conversed with Henry Carrington, esq., of Charlotte, the only surviving son of Judge Paul Carrington, and learn from him that it is his confident belief that his father voted in favor of Henry's resolutions against the Stamp Act. Mr. Carrington justly states that his father was most prominent in opposing all the measures of the British ministry, and was the representative of the opposition in that whole region of country. But such was the case with Wythe, Pendleton, Peyton Randolph, Robert Carter Nicholas and other leading patriots, who nevertheless, on grounds

a member of the House until 1775, when it was superseded by the Conventions of the people. In 1770 he was a member of the Mercantile Association heretofore alluded to, and in 1774 was a member of the first Convention, which chose the delegates to the Congress which met in Philadelphia in September of that year. He was a member of the Conventions of March, July and December 1775, and that of May 1776 of which we are now speaking. In 1775 he was appointed a member of the Committee of Safety, and performed the duties of that office from the organization of the Committee till the new constitution came into effect the following year. To the discharge of the duties of a member of that Committee he brought precisely those qualifications which the position demanded. His intimate acquaintance with the manners and customs of the people, and even with their prejudices, his thorough habits of business, his knowledge of the resources of the colony with which a term of ten years' service in the House of Burgesses had made him familiar, and his skill in finance, were the qualities which the emergency required, and which he possessed in an eminent degree. He also possessed that firmness of purpose, that stern personal courage, which sustained him in advising and in executing measures, which, though at the moment they appeared harsh and even perilous, were deemed necessary to the success of the public cause, and which, inherited by three gallant sons, led them, ere yet their youthful shoulders could well bear the weight of a musket, through some of the bloodiest fields of the war in the South. In the Convention of 1776 he voted for the resolution instructing the delegates in Congress to propose independence, and was a member of the committee which reported the Declaration

frequently stated in this discourse, opposed the resolutions of Henry. On the other hand, it was the impression of Col. Clement Carrington, an elder son of Paul, who was himself an actor in the Revolution, and who knew Henry, Mason, and all the great actors of the day, that his father voted against the resolutions. He stated to me that his father before the Revolution and afterwards rarely differed with Col. Pendleton. But as the session of 1765 was the first session of the House of Burgesses attended by Paul Carrington, it is not probable that his intimacy with Pendleton began so early; and he may have voted with the majority of the western men of that day by whose votes the resolutions were carried. As corroborative of this view, Mr. Henry Carrington, who remembers the free and frequent conversations of his father who was consulted by Mr. Wirt while he was writing the Memoirs of Henry, declares that from all that he heard, he had no doubt of his father's vote in favor of the reselutions. It should seem that neither of the sons could recall any distinct affirmation of their father on the subject. The journal, as before stated, contains no vote by Ayes and Noes.

of Rights and the Constitution; and, though then in his forty-fourth year, he survived with one exception every member who composed it. On the organization of the new government he took his seat in the House of Delegates, from which he passed to the bench of the General Court, and to the Court of Appeals, in which last he remained until 1811, when, having attained his seventy-eighth year, and having outlived his judicial associates of the era of the Revolution, he resigned his appointment.

It is remarkable that from his entrance into the House of Burgesses in 1765 until the death of Pendleton in 1803, a space of near forty years, he was always closely connected with that eminent man, between whom and himself there existed the warmest personal friendship. Pendleton was twelve years older than Carrington, and had served thirteen years in the House of Burgesses when Carrington took his seat in the body. There were some traits of resemblance in their persons, in their early history, and in their characters. Both were men of lofty stature, and of an imposing address; and with a defective education had passed through the clerk's office to the bar. Both were members of the House of Burgesses from 1765 until the Conventions began to assemble. Both were members of all the Conventions, and of the Committee of Safety during the whole period of its existence. Both were members of the first House of Delegates under the constitution, and were called at the same time to the bench of the new judiciary, Carrington first to the General Court and afterwards to the second Court of Appeals. Both were members of the Virginia Federal Convention, and voted for the adoption of the constitution. In the body last named Pendleton was nominated to the office of President by Carrington, while Carrington was placed by Pendleton on the celebrated committee of twenty to which was assigned the office of reporting such amendments to the constitution "as shall by them be deemed necessary to be recommended to the consideration of Congress."

In middle life, and until the war of the Revolution was past, Paul Carrington was of a grave turn. Before the troubles began, he had lost the bride of his youth. During the war, and when the Southern states were almost re-conquered colonies of Britain, he was never seen to smile. Day succeeded day in his domestic life, and not only no smile was seen to play upon his face,

but hardly a word fell from his lips. He was almost overwhelmed with the calamities which assailed his country. At this moment of prosperity and peace, when our country has taken her station by the side of the most powerful nations, and when her flag is honored and feared even in the distant isles of the Indian Archipelago, we may well afford to dwell for a moment on the difficulties and dangers which beset the path of our fathers. In Virginia there was neither public nor private credit. The issues of the State were almost worthless. A thousand dollars of currency would hardly suffice to buy a waistcoat or a pair of boots. And, as all the debts of individuals were payable at par in such a currency, the result was, that all whose wealth consisted in securities of any kind were reduced to utter poverty. At no time within the past ten years had gold or silver been much seen in the colony, but now both had entirely disappeared. Children, ten years old, had never seen a silver sixpence. Boys, who were old enough to play the scout, or shoulder a musket, had never seen a guinea.* At the breaking out of the war the debt due British merchants was estimated at ten millions of dollars, which, when the relative value of money is considered, was nearly equal to the present public debt of the state. Not only had the war put an end to the general cultivation of our great staple, which was lawful currency, but a number of slaves between thirty and forty thousand, one-fifth of the entire black population, had either gone over to the British or had been stolen by them. The young men and the middle-aged had either fallen in battle, or were absent with the army in the North or the South. Those of advanced life, who remained at home, were in perpetual dread of the enemy who was ready to strike at every vulnerable point. Norfolk was in ashes, but Portsmouth was equally as accessible by a hostile squadron, and was repeatedly the headquarters of the foe. Richmond and Petersburg had been in his possession, and were always within his reach. The dashing corps of Tarleton were within an ace of seizing the General Assembly in full session in Charlottesville, a town in the interior, distant eighty miles from Richmond. Nor were these the only obstacles to the pursuits of ordinary life. Our own commissaries were abroad to seek horses and provisions for

*I have been told by an actor in those times that the first specie that made its appearance in circulation was that procured by the sale of provisions to the French troops. When a farmer got a French gold or silver coin into his possession, he held it as fast and as long as he was able.

the army in the field, and a fine horse or a fat ox or cow was deemed lawful prize. These domiciliary visits, however necessary and justifiable, were not only annoying and ruinous to individuals, but they might also be dangerous. Pictures of the king and queen, likenesses of the members of the house of Hanover, in whose honor our fathers delighted, but a short time before, to name their counties, might involve a serious risk, and were hid in garrets and outhouses, or were destroyed.* The common necessaries of life could not be obtained even by the rich, if rich they could be called, who, if their negroes were not taken, or their horses impressed in the plough, could not secure from depredation the crops which they had planted, nor purchase with money, if money they had, a change of clothing or a pound of sugar.† Salt there was none in the country. Meat was cured with the earth dug out of old smoke-houses and old tobacco barns. If the soldiers were successful in obtaining a stray bushel of salt, it was instantly mixed with hickory ashes to make it go farther. When a soldier from Prince Edward on his return from the South was asked whether he had not killed a British officer whom he might have taken prisoner, he admitted he had, "but hoped the Lord would pardon him, *as he hadn't tasted salt for a year.*" Lee's Legion was the favorite corps of the South, and was better provided for than any other; yet few of the soldiers of the Legion had a change of apparel; and when a well-clad tory was taken, their first act was to exchange garments with the prisoner. These circumstances were depressing enough. But there were reflections of a peculiar kind which occasionally flashed across the minds of the leading men of the day. Should the colonies be reconquered, on their heads would fall the full weight of British vengeance. A bill of attainder was on the table of the House of Commons, ready to be called up at a moment's warning, and it was known to contain the names of several of the prominent men of Virginia, and might easily be amended to contain yet more. There was also a conviction that, while some of the leaders would be par-

*I have seen several paintings that were injured in the manner described, and possess likenesses of George the Third and his queen Charlotte, which ran the gauntlet of the outhouses during the Revolution, and which are seriously defaced.

†If the planters succeeded in getting their tobacco to market, it might be taken by the British. Campbell, in his introduction to the History of the Colony of Virginia, computes the loss sustained by invasion in six months at eleven millions of dollars. Campbell, page 175.

doned by the influence of friends, the fate of the remainder would be the more certain and the more severe. In Virginia and in North and South Carolina members of leading families had adhered to the royal cause, and had either taken up arms in its support or had withdrawn to England; and when the day of royal triumph should come round, they might interpose to save the lives and fortunes of their friends; but who would stand up for Patrick Henry, George Mason, Pendleton, Paul Carrington, and others whose voices were heard in every council, and whose names were at the head of every committee of resistance to the royal authority, when the red cross of St. George should again flame above the palace and the capitol? The remorseless murders perpetrated by a royal governor a century before at the close of Bacon's rebellion were freshly remembered; and it was known by our fathers, as happening in their own time, that the house of Hanover in the Scotch rebellion had not leaned to the side of mercy. Such thoughts forced themselves upon the fiercest opponents of Great Britain. Of all the men of the Revolution Patrick Henry had displayed the greatest spirit. He had been the first to defy the power of the British crown on the floor of the House of Burgesses, had headed the people in their efforts to recover the gunpowder purloined by Dunmore, and had been appointed commander of all the forces in the colony; yet, so deeply impressed was he with the peril of the period, that, when Greené had reached Halifax old Court-house in his retreat before Cornwallis, and when Cornwallis himself was on the banks of the Dan waiting a fall of water, instead of haranguing the people of Henry, where he then was, and of marching with the levy of his county *en masse* to harrass the foe, fearing lest he might be captured by the scouting parties of the enemy, he hastened from the scene of war to Hanover. An honorable death in a fair field he did not dread, but he dreaded an ignominous death on the scaffold or from a tree. The intercepted letter of Cornwallis to Nisbett Balfour, dictated on the spur of a momentary triumph, proves incontestably that the success of the British would have been written in the blood of the purest and greatest men of whom our country could boast.

From the embarrassments of the period which we have described, and especially from the depreciated currency, few men suffered more severely than Paul Carrington. A large portion of his wealth

was in the bonds of debtors, which became dross in his hands. As a legislator, he had sanctioned the issues of paper money as the only means of conducting the war, and, as a judge, he was bound to execute the laws. But in the midst of these trials he displayed the intrepidity of the patriot and the honesty of the man. While men of wealth went abroad to avoid meeting a debtor; and, when a debtor called to pay for a fine estate in worthless rags, were not at home; or, if at home, could not put their fingers on the bond of the debtor, who was requested to call again;* there was no shuffling in the conduct of Carrington. On one occasion a wealthy Scotchman, who owed him a large sum of money, called upon him with a huge bundle of paper money in his hands. "Colonel," said the Scotchman, "*I* don't call this trash *money*—do *you* call it *money*?" "Yes," answered Carrington, "it is the only money of my poor country in this severe hour of her sufferings." "Then," said the Scotchman, "here is the exact amount of my debt, principal and interest; give me my bond." And he gave him his bond. Another instance of a generous nature displayed the character of the man. His father died intestate before the passage of the act abolishing primogeniture, and being the oldest son, he became sole heir of the estate. At a time when nine-tenths of the titles of land were devised in a similar manner, public sentiment would have sustained him in exacting his legal claim; but he scorned to deprive his brothers and sisters of their equal share of the wealth of a common parent, and apportioned the inheritance among them.

Nor were his own services all that he gave to his country. His individual career was confined to the House of Burgesses, to the Conventions, to the Committee of Safety, to the House of Delegates, and to the judiciary; but he contributed three sons to the army: George, who was the first lieutenant of Armstrong's troop, and whose gallantry at Quinby Bridge is commemorated by Gen. Lee in his memoirs of the war in the South; Paul, who was at the battle of Guilford, and Clement, who was in that desperate charge of the Maryland and Virginia lines on the bloody field of Eutaw, and was severely wounded by a musket ball fired at point blank distance from the house in which a datachment of the flying enemy had sought a shelter.

* In due time provision was made by law to prevent all such evasions on the part of creditors.

But, if the middle-life of Paul Carrington was engrossed with the cares and sufferings of his country, his latter years were cheered by her prosperity and glory. He became pleasant and cheerful as he grew old, and frequently indulged in a strain of humor as peculiar as it was irresistible. He enjoyed good health, always retained the erect carriage of early manhood, and within a year of his death rode regularly to court, a distance of fifteen miles, on horseback. And on the twenty-first of June 1818, after a short illness of a disease which is as fatal to the young as the old, fifteen years after the death of Pendleton, in the eighty-sixth year of his age, he died at Mulberry Hill, his seat on the banks of the Staunton.

The colleague of Carrington from the county of Charlotte, though his name has almost faded from the memory of the present generation, was equally distinguished by the fervor of his patriotism, by the strictest integrity, and by the highest sense of personal honor. They were nearly of the same age, were brothers-in-law, had been together in the same clerk's office, were, on all great occasions, colleagues in the public councils, and were personal friends, there were some strong points of resemblance in their characters. Both wrote excellent hands, were thoroughly skilled in finance, and carried such system into their private affairs that either could have turned at a moment's notice to a paper half a century old. Thomas Read, who inherited the papers of his father, the old clerk of Lunenburg, could have gone back nearly a century. Read, though not a lawyer by profession, was well versed in the law, and in his various legal controversies with some of the most eminent members of the bar was usually successful. Both, rather by the process of small profits and strict economy than by sudden speculation, accumulated large estates. Both, though courteous and affable, and noted for the disinterested and valuable services rendered indiscriminately to all who needed them, were slow in forming friendships; but, when their friendships were formed, they were indissoluble. The friendship which Carrington cherished for Pendleton, and which Read cherished for Madison, no difficulty, no disaster, no evil tongue, could sunder or impair. Both were men of pure lives, and of honesty that became proverbial; and were for nearly two generations the confidential advisers of the people who knew that neither interest nor passion could

sway their opinions. But, great as was the influence of Carrington in the county of Charlotte, that of Read, from his peculiar manners, from his long and unintermitted acquaintance with the people as clerk of the county for almost half a century, and from the caste of his political sentiments, was greater still. Hence in all the elections held for the state Conventions, the only bodies which, as clerk of a Court, he could attend, Read was returned the senior member of the Charlotte delegation. He was the son of Col. Clement Read,* who was clerk of the county of Lunenburg from 1744 to 1765, when Charlotte was formed, who was one of the most efficient public men of his time as his letters still extant show, who was a member of the House of Burgesses, and whose remains now rest with those of numerous descendants in the burial ground of Bushy Forest. The success of Thomas Read, however, depended on his personal qualities. Like most of the active colonists who acquired large estates, he began life as a surveyor, an appointment of some note in early times, and never granted until the candidate had passed a strict examination at the seat of government by a board organized for the purpose. He studied at William and Mary, and became deputy clerk of Charlotte in 1765, when, as before observed, it was set apart from Lunenburg, and in 1770 became principal, holding the office until his death in 1817, with the approbation of all.† His father was from a county bounded

* The ancestor of Clement Read probably came over soon after the Restoration. Col. Thomas Read was one of Cromwell's Colonels, and was in command of a regiment when Monk addressed to the colonels of his army the celebrated letter of the 21st of February 1659, on taking the direction of civil affairs out of the hands of the parliament. Among the colonels of the army were Thomas Johnson, William Eyre, Banister, Nicholas and other common Virginia names. The probability is that, as the armistice was most shamefully broken on the restoration of Charles, some of these men or members of their families soon after emigrated to the Colony. See Baker's Chronicle, edition 1665, page 686 and 689. Among the knights of the Bath at the Coronation of Charles may be seen the names of Wise, Wray, Nicholas, and other old names of the Colony, (Ibid 736.) As they were protestants, if not tinged with puritanism, it is not unlikely that their sons came over to get rid of the religious tyranny of James. The name of Wise appears as early as 1682 as the standard bearer in the famous foray against sweet-scented tobacco. It has been well observed by Mr. Minor that the history of that foray is not well understood.

† On the creation of a new county during the colonial regime a clerk was appointed from the secretary's office in Williamsburg, who at once removed to the new county to assist in its organization, or farmed the office to a deputy, or sold it for ready money. Read purchased the clerkship from his principal, who never resided in Charlotte, in 1770. In those days clerkships were frequently in the market, and were readily bought as a provision for a son, the court rarely refusing to confirm the title of the purchaser by a formal election to the office. The mode of original appointment continued down to the

by the James, but Read himself was born in Lunenburg. Paul Carrington came directly from the James; a distinction apparently of little note, but which may be plainly traced throughout the political career of both. Carrington sided with the party of which Bland and Nicholas were the heads; Read with that of which Henry and Jefferson were the heads. Carrington opposed the resolutions of 1765 against the Stamp Act; Read would have sustained them. Carrington, in the March Convention of 1775, voted against the resolutions of Henry for embodying the militia; Read would have voted for their adoption. Carrington, at a later day, in the Convention of 1788, voted in favor of ratifying the federal constitution; Read, who was his colleague, opposed its ratification. Carrington sustained the administrations of Washington and Adams; Read, following the lead of Jefferson and Madison, opposed some of the leading measures of both administrations. Carrington opposed the administration of Jefferson; Read sustained it with all his zeal. It was not until the administration of Madison that these worthy patriots united in a common cause.

During the Revolution Read was the county lieutenant of Charlotte, and not only marched on one occasion to Petersburg himself, but by his efficient aid in supplying the quotas of that county in men and means to the state and continental lines, rendered invaluable service to his country. The requisitions addressed to him by Gov. Henry and Gov. Jefferson, endorsed and annotated by his own hand, are still extant to attest his zeal in the public cause. No county in the state surpassed his own in the relative numbers contributed to the army of the Revolution. It was his own brother, Isaac Read of Greenfield, who in the command of the fourth Virginia Regiment fell a martyr to disease in the city of Philadelphia, where his ashes now repose.* It was Col. William Mor-

Revolution, when the magistrates appointed whom they pleased to the office. The writers in the secretary's office complained bitterly of this innovation in their petitions to the General Assembly, and sought a remuneration for their past labors and blasted hopes. See the Journal of the House of Delegates of 1776.

* Isaac Read of Greenfield, as true a patriot as appeared in the Revolution, deserves a passing notice. He was for many years a member of the House of Burgesses, especially in 1769 when that body was dissolved by Lord Botetourt, and when the members adjourned to the Raleigh to form an association against the act of parliament imposing duties on teas, &c. To this instrument the name of Isaac Read is attached, as well as to the Mercantile Association formed by the members and leading merchants the following year. Read continued a member of the House of Burgesses until it was superseded by the Conventions.

ton of Charlotte, who slew at the battle of Guilford the gallant Col. Webster, the pride of the army of Cornwallis. Indeed there is scarcely a battle-field in the North or in the South that has not been illustrated by the valor or moistened by the blood of the men of Charlotte. And in effecting such patriotic results it is not easy to estimate too highly the services of Col. Thomas Read. Nor did his military spirit ever forsake him. When, tottering on the brink of the grave, he saw his country involved in a second war of independence with her ancient foe, he appealed to the patriotism of the young men of Charlotte; and when he saw them marching to the seat of war, he was ready to embrace them in the excess of his joy. And when, as he was rejoicing at the ratification of the treaty of Ghent, an opponent of the war sarcastically observed that he saw in that instrument no article about free trade and sailors' rights, Read, with more than usual warmth, instantly replied: "We don't want an article—we have fought them and we have flogged them."

He was one of the last specimens of a class and of a generation now dying out, when personal manners and dress were more regarded than at present. His stature approached six feet, and he was large in proportion. His head was broad and full; his eyes were blue, his nose Roman, his chin round and firmly set. He wore his hair powdered, and retained the queue which he had worn that day when, on a report that Cornwallis was crossing the Dan, he marched with the levy *en masse* of the county of Charlotte to oppose his progress. His dress was always neat and even elegant, and in society he was the model of an accomplished gentleman.* He died on the fourth of February 1817, at Ingleside, his seat on Little Roanoke, a stream on the banks of which he was born, and on the banks of which he was buried. On his dying bed his wonted amenity was still apparent. When a friend, a few moments before his death, moistened his speechless lips, he nodded a grateful recognition. One overshadowing sorrow darkened his last days.

He was a member of the Convention of August 1774, that of March, and of June 1775, by which last body he was appointed Lieutenant Colonel of the fourth Virginia Regiment. At this call of his country he cast aside all the civil honors which were within his reach, and hastened with his command to the North, where he died from exposure in the public service.

* A beautiful miniature of Col. Read, done on ivory, is in the possession of his grand-niece Mrs. M. L. Comfort of Charlotte. No likeness of Paul Carrington exists.

A daughter, an only child, the child of his old age, whose voice he fondly hoped would soothe his departing spirit, he consigned to the grave; and when, in less than two years after her death, his own body was about to be placed by her side, his friends saw in the beaten path that led to her solitary tomb beneath the hollies of Ingleside whence came the shaft that laid him low.

No two members of the Convention were more prominent in their respective spheres, or displayed a patriotism of a purer stamp, than Col. THOMAS LEWIS of Augusta, and Col. WILLIAM CABELL of Amherst, or, as he was styled in the fashion of the day, of Union Hill. Both were men of action rather than of words, had long been members of the House of Burgesses, were members of all the Conventions held previous to the formation of the constitution, and were especially efficient in carrying out during the war the plans of the Committee of Safety, of the Conventions, and of the government under the constitution. Each was the representative of an important and distinct class, the interests of which, though apparently the same, were in many respects dissimilar, and enjoyed its unlimited confidence. LEWIS was the representative of the people of the extreme west, who, from their position and the habits which it induced, were inclined to advance more steadily and with a quicker pace to independence than their brethren of the extreme east. They shared none of the honors of the Colony; they had come over to the colony at a comparatively recent date, and brought with them few of those attachments and prejudices which some of the ancestors of the eastern people had brought over and had taught their descendants to cherish; they were full of a martial spirit which self-defence rendered necessary, and which had been exhibited in their Indian contests with signal effect; they were in a great measure unrestricted in their religious privileges, and were practically even more than their eastern neighbors an independent people. Their sagacity led them to perceive that their privileges would gradually be lost with the increase of population, and that a church establishment, to the forms and doctrines of which they were opposed, would ere long be firmly fixed upon them. To such a people, living far from the seaboard, and engaged but to a limited extent in the cultivation of the great staple which constituted the common currency, the idea of taxation even by their own House of Burgesses, which was beginning to be sensibly felt, was formidable

enough without the addition of taxation from abroad. The farmer who might look upon his fields stocked with cattle, his smoke-house bristling with bacon, and his granary full of produce beyond the reach of a market, often had very little tobacco for the payment of taxes, and rarely a dollar in coin. Hence, on the two great occasions of opposition to the stamp act in 1765, and of the scheme of embodying the militia in the March Convention of 1775, the vote of the west decided the victory. And that vote was freely and fearlessly cast by Thomas Lewis. Hence that eloquent memorial from the Committee of Augusta, presented on one of the first days of the session of the Convention now sitting, which denounced the conduct of Great Britain, and advised not only the formation of an independent state government but a permanent confederation of the colonies. That noble paper, which Augusta might put forth as her declaration of independence, and which should be equally familiar in the cottage and in the college, was presented by Lewis and was probably from his pen.* Hence the readiness with which the sons of the west rushed from their mountains to meet the enemy, and the success which crowned their arms on many a classic field.

THOMAS LEWIS was sprung from a stock the history of which is the history of the political and religious persecutions of a memorable century in the annals of Christendom. His ancestor was a native of France, and in consequence of the religious troubles, which ultimately led to the revocation of the edict of Nantes but before the revocation itself, took refuge in Ireland, where in 1678 John, the father of Thomas Lewis, was born. John Lewis, the father of four children, was living quietly in Donegal, when a painful affair, in which he acted with becoming spirit and honor, compelled him to fly to Oporto, whence he emigrated to Pennsylvania, whither he was followed by his wife and sons, and where he spent the winters of

*I fear much that this memorial was lost with other public papers during the Revolution. The substance of it may be found in the Journal of the Convention of 1776 page 11. It was written some time before Congress adopted on the 10th of May 1776 a resolution recommending the colonies to form temporary governments for domestic affairs and before our own resolution of independence. It is the first distinct and responsible proposition in favor of independence and of a federal union which I have met with. Some son of Augusta should hunt up the records to ascertain its fate. If it exists, it will probably appear among the manuscripts in the clerk's office of the House of Delegates, or among those in one of the rooms of the Capitol under the charge of the Secretary of the Commonwealth, which I once looked over with another object in view. It is possible a copy may be found among the papers of Lewis or of some member of the county committee of Augusta.

1731 and '32. Thence he immediately removed to Augusta, and was with his family among the earliest settlers of that region. It is fitly inscribed on the stone which protects the remains of John Lewis, that "he furnished five sons to fight the battles of the Revolution." A more glorious epitaph could not have been inscribed upon it, and a nobler fraternal band never drew sword in the public defence. Samuel commanded at Braddock's defeat a company of Virginians, among whom were three of his own brothers, and aided in saving the remnants of an army led to destruction by the wilfulness of a brave but conceited leader. William was distinguished as a soldier in the Indian wars and was an officer in the Revolution. Charles, the only brother born in Virginia, fell at the battle of Point Pleasant, ere victory had yet perched upon the banner of his country. Andrew of all the brothers attained the highest rank in the military service. He was with Braddock in the company commanded by his brother, was with Grant at Duquesne, and punished on the spot the insolence of a man whose cowardice in the field was only equalled by his falsehood on the floor of the British parliament, was with Washington at Fort Necessity, was commander-in-chief at the battle of Point Pleasant, where he achieved a victory which rendered the soil of Virginia thenceforth sacred from the foot of the savage,—though not till that soil was moistened with the blood of a beloved brother—was a member of the Convention of March 1775 and of that of June following, from which last he received a military commission; and, as brigadier General in the continental line, drove, a few days after the adjournment of the Convention now sitting, Dunmore from his retreat on Gwyn's island, and from the confines of the Commonwealth. He was over six feet high, of a noble presence, and of such a stately demeanor that the governor of the colony of New York, whither he had gone to negotiate the treaty of Stanwix, remarked that the earth seemed to tremble beneath his tread. It is painful to reflect that such a man fell a victim to disease before the independence of his country was fully established.*

Thomas Lewis, of whom it is our province to speak at present, though reported by our historians to have been engaged in Indian fights, and present at Braddock's defeat, embarked in the

*Gen. Andrew Lewis died in Bedford on his way home in 1780 of a disease contracted by exposure in the low country.

civil service only of his country.* On the organization of the county of Augusta in 1745 he qualified as surveyor, having received his appointment from a board of which President Dawson of this College was the head. He entered the House of Burgesses at an early age, and in the memorable session of 1765, sustained the resolutions of Henry. He was a member of all the Conventions including the one now in session. He voted for the resolution instructing the delegates in Congress to propose independence, and was one of the committee which prepared the Declaration of Rights and the Constitution. He was a member of the first House of Delegates under the constitution, and was placed on the committee of Religion, to which was assigned the delicate duty of adopting a policy which would effectually secure religious freedom. And it may be honorably recorded of him, that at a period when some of our wisest and purest statesmen hesitated in their course in relation

*Thomas Lewis is represented by C. Campbell and by the author of the account of the Lewis family in the Historical Register as having been engaged in our early Indian fights; but I am inclined to believe on the authority of a letter of Gen. S. H. Lewis, his grandson, to Samuel Price esq., dated April 6, 1855, that the defective sight of Thomas prevented him from joining his gallant brothers in the field. With the aid of glasses, which he always used, he was hardly able to tell an Indian from a white man at the distance of twenty paces. The letter alluded to above says: "I have heard that he was six feet in height, robust but not inclined to corpulency; his eyes and hair were dark; his complexion fair. I have heard him spoken of as a handsome, fine-looking man. The caste of his profile I cannot describe, but I do not think it was Roman or aquiline; as I have heard it said that my elder brother, Thomas, resembled him in features. He was exceedingly near-sighted, and was under the necessity of using glasses habitually. There is no family portrait extant of him that I know of. He was of a grave and serious temper; strict, perhaps rigid in his notions of moral and religious duty. Though a supporter of, and a regular attendant upon the services of the established church, he was not a communicant. He was possessed of a liberal education, and was probably one of the best mathematicians of his day in the state. He had a literary taste, and, when not engaged in business or occupied with company, was generally to be found in his library. His collection of books was very extensive and valuable, embracing many of the most important works then extant in history, biography, moral philosophy, political economy, national law, theology and poetry. In his theological department were Tillotson, Barrow, South, 'the Boyle Lecture,' and other standard works of the English church. He was born in Donegal county, Ireland, on the 27th of April 1718, and died at his residence in Rockingham county on the Shenandoah river, three miles from Port Republic, on the 31st day of January, 1790. In his will he fixed the place on his own estate where he wished to be buried, and 'desired that the Burial service might be read from the book of Common Prayer by his friend Peachy Gilmer.' He died of a cancer in the face. He was I have always understood the eldest son of John Lewis. He married on the 26th January 1749 Jane, the daughter of William Strother esq. of Stafford county, whose estate opposite to Fredericksburg joined the residence of the father of Gen. Washington, with whom (G. W.) she was a school-mate, and nearly of the same age. She died in September 1820. Thomas and Jane Lewis brought up a family of thirteen children."

to a church establishment to which he was attached, he went hand in hand with Jefferson, and approved those measures which ultimately led to the passage of the act concerning Religious Freedom. In grateful obedience to the mandate of the Augusta memorial he warmly upheld the scheme of a confederation, and voted for the Articles proposed by Congress for the consideration of the states. At a later day, when the federal constitution was submitted for the ratification of the states, he was a member of the Convention called to decide upon it; but, though solicitous to connect the states in the closest bonds, and in unison with most of his compeers who had supported the resolutions of Henry against the Stamp Act and his resolutions for embodying the militia, he refused to vote for the adoption of that instrument until certain amendments which he deemed essential to the preservation of the rights of the states were adopted.

It has been observed that THOMAS LEWIS and WILLIAM CABELL were the representatives of distinct and important interests in the colony. CABELL lived upon his patrimonial estate on the banks of the upper James, was, though distant from tide, a large slaveholder, and a tobacco planter, and, though from his position having certain affinities with the west, was in the main from interest and sympathy intimately connected with the east. His father was an Englishman, once a surgeon in the British navy, and he himself, though liberal in his religious views, adhered to the church of England; but, as his father had settled in the colony a short time only before the father of Lewis came over, he had not fallen heir to that legacy of prejudices which beset many of the descendants of the earlier settlers. William Cabell, the father of William Cabell of Union Hill, arrived in the colony about 1720, and, having taken up lands on both sides of the James in the present counties of Amherst, Nelson, and Buckingham, laid in that region the foundations of his fortune. He was a good scholar, and soon surrounded himself in his forest home with a noble library. He was skilled in his profession, which he practised within a wide sphere, was sagacious in business, was fond of rural sports, and revelled in the play of a sportive fancy, the sallies of which yet afford amusement at the firesides of his descendants.* Dying at an advanced age in 1774, he did not live to hail the advent of Independence; but, like his

* Carrington Memoranda.

contemporary John Lewis, contributed four sons to the eventful contest in which it was won. Of those four sons the eldest was William, of whom we will speak at length presently; the second was Joseph, who was at various times a member of the House of Burgesses, especially in 1769, when that body, dissolved by Botetourt, adopted in the Raleigh Tavern the agreement already alluded to, to which his name is attached, and in 1770, when the Burgesses uniting with the merchants organised the Mercantile Association, which also bears his name. He was a member of the Convention of March, of July, and of December 1775, but gave place in May 1776 to Gabriel Penn, and was subsequently a member of the Assembly. The third son, John, was a member of the Convention of December 1775, and of the Convention of which we are now treating. The fourth, Nicholas, engaged in the military service of the Revolution, served under the command of La Fayette, was a member at various times of the Assembly, and was an active politician. Thus did three sons of the elder Cabell serve in the respective Conventions which were held before the constitution went into effect.

But from this patriotic brotherhood the name of WILLIAM CABELL may be singled out as the one posterity will be most pleased to contemplate. Under the guidance of his accomplished father he passed his early years, availing himself of the literary advantages which the paternal mansion afforded. Tall and muscular, his face bearing that Roman outline which may yet be traced in his descendants, fond of rural sports, skilled in the witchery of horsemanship, courting danger as a plaything, and of engaging manners, he was the model of the young Virginian of his time. But it is as he appeared at a later day in the public councils that we seek to trace him. He was then eminently conspicuous as a man of noble presence, of gallant bearing, and of undaunted spirit. He was a planter in the large acceptation of the word, as it was understood rather in the interior than on the seaboard, which included not only the cultivation of a staple, and its ordinary agricultural aspects, but the construction of the instruments and the preparation and manufacture of articles, which the eastern planters of that day, like many of their successors, were content to find ready made to their hands. He fashioned his iron on his own stithy; he built his houses with his own workmen; he wove into cloth the wool from his own sheep

and the cotton from his own patch; he made his shoes out of his own leather. He managed his various estates with that masterly skill with which a general superintends an army, or a statesman the interests of a community entrusted to his charge. What Washington was on the banks of the Potomac, Cabell was on the banks of the upper James. Nor was the hospitality of Mount Vernon, if by the splendor of its exhibitions it eclipsed that of the more modest Union Hill, more cordial, more comprehensive, or more refined. There were indeed many traits of resemblance between the owners of those two fine estates, which, as they were from their unrivalled location the objects of the admiration of all who beheld them, and were the abodes of the elegance and taste of their accomplished hosts, have a sanctity thrown over them as the depositories of the ashes of the sacred dead.* The caste of their characters was much the same. They were nearly of the same age, were marked by their lofty stature which exceeded six feet, by the uncommon strength of their sinewy frames, by their perfect horsemanship, by their entire self-possession, no unfrequent concomitant of well-braced nerves, in times of peril, and by a grave and stately demeanor, controlled indeed by the occasion, but verging in a state of repose to sternness, carried into the daily offices of the house and the plantation the strictest system, and were passionately fond of rural life. Washington, who was born poor, sallied into the forest with a compass in his hand which in a spirit of adventure he exchanged for the sword; but when wealth devolved upon him, that sword was soon turned into a pruning-hook, and the Indian fighter became the farmer of Mount Vernon. Cabell, who was the elder by two years, born rich, engaged at once in his favorite pursuit, and prosecuted it with that strict attention to details

* The mansion of Mount Vernon, if not more capacious, was more costly than the dwelling at Union Hill; but the estate of Union Hill far surpassed in value that of Mount Vernon. "It occupied the beautiful and fertile valley of the James from the mouth of Tye River down to the head of the Swift Islands, a distance of six miles. About the midway of this valley and on a fine swelling hill overlooking it, Col. Cabell erected his spacious dwelling, which commanded a view of the rich bottoms of the James, the ivy cliffs on the opposite side, and the gentle river flowing between them, and the distant mountains sinking down and disappearing in the southwestern horizon. The selection of the site was as creditable to Col. Cabell as a man of taste as his methodical habits were to him as a man of business. It has been stated that he held at one time twenty-five thousand acres of the best land in the present counties of Nelson and Amherst." Letter of J. C. Cabell, esq., to F. N. Cabell, esq.

which was shown in the management of Mount Vernon.* Both were looked upon as the social representatives of their respective regions of country, and were unsurpassed in the baronial expanse of their hospitality, and in the generous courtesy with which it was dispensed.† Both appeared early in the House of Burgesses, and, though differing at times in the choice of the means or mode of resistance, manifested equal sensitiveness to foreign aggression. Both were members of the body in 1769 when it was dissolved by Botetourt, and signed the agreement put forth by the members, and were members of the House of Burgesses the following year and recorded their names on the roll of the Mercantile Association. If Washington in the March Convention of 1775 sustained the resolutions of Henry for putting the colony into a posture of defence, Cabell, who looked at affairs rather with the eyes of a politician than of a soldier, opposed them, preferring the scheme of a regular army presented by Col. Nicholas. When all minor topics were merged amid the clash of arms, if Washington was called to military service abroad, Cabell was charged as a member of the Committee of Safety with the civil and military control of the colony. If the previous life of Washington had qualified him to act with effect in the field, the services of Cabell as a member of the House of Burgesses, as county-lieutenant, as a man of business intimately conversant with the resources of the colony, and as a statesman who had closely watched the progress of the public troubles, and his personal intrepidity, pointed him out as the fit compeer of those eminent men into whose hands at the dawn of the war the public interests were confided. There were also about both that *prestige*, that undefinable contexture of physical and moral qualities, which, though neither of them spoke at length in

* The Diary of Col. Cabell, written in his own neat and beautiful hand, from 1769 to 1795, is still extant, and "attests his methodical habits as a planter and man of business. It records the daily operations and occurrences on the various plantations on his home estate, all of which in the active period of his life he visited regularly on horseback twice in the course of the day." His diary for 1782 is, by the kindness of Henry Carrington, esq., now before me.

† "His dwelling was the theatre of a magnificent hospitality, embracing his poorer as well as his more wealthy countrymen. He was singularly gifted with the talent of entertaining large companies. On occasions where his guests were very numerous, he would divide them into two apartments, attending personally to them in succession, quietly and without seeming effort, providing for all, and making all easy, contented, and happy." Ibid.

deliberative bodies, insensibly swayed the feelings of their contemporaries, and which caused their opinions to be regarded not only as the opinions of individuals but as those of large and leading classes of the people. That both of them shared the unbounded confidence of the people is assuredly true; and it is equally true that under every temptation in war and peace they richly deserved it. Both lived to behold the light of peace, and to receive the reward of all their toils in their country's service. Both cherished with equal warmth the union of the states; but while Washington in common with nearly all the military men of the Revolution sustained the federal constitution formed by the body of which he was the president, Cabell, who was a member of the Virginia Convention called to pass upon it, sympathising warmly with the opinions of nearly all the most distinguished statesmen of the same era who had held no executive post either in the field or on the bench, sternly refused to vote for the ratification of that instrument without the security of a pledge of previous amendments. And it ought to be observed, as a striking fact in the history of these two men, and worthy of remembrance, and which rarely happened in the case of men engaged for a long series of years almost exclusively in the public service, that, with all the drafts which an unlimited hospitality drew upon their time and their means, and with all the risks which the frequent absence of proprietors from their estates renders unavoidable and perilous, both by a thorough domestic generalship waxed rich, flourished apace, and bequeathed a princely fortune to their heirs.

It has been stated that Col. Cabell was long a member of the House of Burgesses. He was a member of all the Conventions held previously to that of May 1776, and in this last mentioned body, in which he voted for the resolution instructing the delegates of Virginia in Congress to propose independence, he was one of the celebrated committee appointed to draft a Declaration of Rights and a plan of government, and gave to both those important documents his cordial support. When the government under the Constitution went into operation, he was returned to the Senate from the Amherst district, and was subsequently a member of the House of Delegates. His public life may be said to have closed with the adjournment of the Federal Convention; but from an interchange of opinions with his distinguished contemporaries, whose letters

compose the materials from which will be gathered the story of the age,* he was always abreast of his times. In the active supervision of his estates, in the dispensation of a generous hospitality, as the venerable and venerated presiding justice of the county in which he lived, delighted to behold the success of the institutions which he and his compeers had founded, and cheered by the hope of their perpetuity, esteemed by the purest and wisest men of the age, and revered by his neighbors who knew him longest and who loved him best, and in the midst of his children and grandchildren, he spent his last days in peace and joy.† He lived to see his eldest son, who had served with honor as a lieutenant colonel in the army of the Revolution, and who had been his colleague in the Federal Convention, the representative of his district in the Congress of the United States; but he little dreamed that one of those grandchildren, now gamboling on the turf of Union Hill, now prattling on his knee, and who bore his name, would become not only a member of the House of Delegates, and a member of the House of Representatives and of the Senate of the United States under that Constitution which he so warmly opposed, but

* Letter of George Mason to Col. Cabell. Va. Hist. Register, vol III, 84; letters of R. H. Lee to same. Ibid, vol. II, 20.

† If Adam Smith declared in his lectures delivered in the University of Glasgow that he was glad to know that Milton wore latchets instead of buckles in his shoes, the young Virginian may fitly inquire into the dress of our revolutionary fathers. A letter before me thus describes Col. Cabell as he appeared in his old age: "He was six feet high, with large frame, well formed, of erect carriage, and rather corpulent in the latter part of his life. His features were remarkable for strength; his nose was slightly aquiline; his forehead was capacious and well developed, and his head became bald as he advanced to old age. There was nothing peculiar in his dress, being that of the planters and farmers of good condition of his day; namely, a round hat, a white cambric stock buckled behind, a long-tailed coat, a single-breasted waistcoat with flap pockets, short breeches buckled at the knees, long stockings, and shoes with large buckles. The habitual expression of his countenance was grave, thoughtful, and dignified. He was generally taciturn; but in entertaining his friends and acquaintance, he became affable and communicative; and he possessed the happy talent of adapting his conversation to the ages and conditions of his associates. His thoughts, however, were always briefly expressed, and bore the impress of the sound judgment and powerful mind with which he was gifted. His appearance was eminently dignified and commanding; in this respect he was equal, if not superior to any one I have ever seen, save Mr. Jefferson and Mr. Clay." The dress above described was worn by Col. Cabell towards the close of the century. His dress at the Revolution was rather different, and consisted of a cocked hat, a single-breasted coat with wide sleeves studded with buttons about the cuffs, and with large pocket flaps and a standing collar, a double-breasted waistcoat, with wide pocket flaps, descending to the hips, buckskin breeches fastened at the knee, and high boots with tassels. His hair was powdered, and a long queue dangled behind. He was born in March 1730 and died in the spring of 1798.

the accredited envoy of his country at the court of France at a period when the crown of that kingdom was plucked from the head of one Bourbon, and, mainly through his advisement and that of La Fayette, placed on the head of another Bourbon, and, after a lapse of years, an envoy at the same court when the crown was plucked once more from the head of a Bourbon—and forever—and placed upon the head of a man who with his name possessed some of the qualities of the young general whose dazzling victories on the soil of Italy had surpassed the glory of ancient time, whose triumphs he had hailed with applause, and who he fondly but alas! vainly hoped would build upon solid foundations in the old world institutions similar to those which he himself had helped to lay in the new.*

In looking over the Convention one noble head was seen, which might well attract the observation of every admirer of genius and worth, and especially of every lover of this institution. It was the head of a man who was the delegate of this city in the body, and though represented by his substitute in the earlier part of its session,† appeared before its close, and bore an honorable part in its proceedings. He had been a student of this College, its repre-

* The Hon. William Cabell Rives is the grandson of Col. Cabell. The late William H. Cabell, President of the Court of Appeals, who was the son of Nicholas Cabell, was his nephew. But of all who have borne the name of the patriarch of Union Hill, none surpassed in native genius the late William Cabell Carrington of Richmond, a great grand-nephew, who died suddenly in that city in the winter of 1851 in the thirtieth year of his age. He was the son of Henry Carrington esq. of Charlotte, was educated at Hampden Sidney and at the University of Virginia, studied law, and, having selected the press as the scene of his labors, conducted the Richmond Times with an ability and a grace that were instantly recognized abroad, and were duly appreciated at home. The intelligence of the death of no young man since the death of Dabney Carr and John Thompson ever fell more sadly on the public ear. He was a member elect of the House of Delegates from Richmond, and was about to embark in a career for which his admirable talents eminently qualified him, when he was suddenly cut off. I knew him from his youth, admired his virtues, beheld with pride his advancing fame, and deeply deplored his death. And now when I compare him with others, I the more regret his fate, and can truly say: Heu quanto minus cum reliquis versari quam tui meminisse!

†Whenever a member of the various Conventions was appointed a delegate to Congress, he did not vacate his seat, which was filled during his absence by a substitute chosen by the people, who withdrew on his return. In the Convention of December 1775 the substitute of Wythe was Joseph Prentis. In the present Convention his substitute was Edmund Randolph. George Gilmer was the substitute of Thomas Jefferson. On the adoption of the Constitution no member of Congress, not even the Treasurer who had held a seat in the House of Burgesses for a hundred and sixty years, could hold a seat in either house of the General Assembly. As early as 1758 Wythe represented William and Mary in the House of Burgesses.

sentative eighteen years before in the House of Burgesses, one of its official visitors, and subsequently became one its of most distinguished professors, had long held the foremost rank in the House of Burgesses of which he had been clerk, and at the bar of the General Court, and had borne a capital part through all the stages of that contest which was now to be settled by the sword. It is needless to say that such characteristics met in one man only, and that man was GEORGE WYTHE. He was in the fiftieth year of his age. He may be said to have inherited a literary turn, as his maternal ancestor Keith, who had emigrated to the colony toward the latter part of the previous century, had devoted much of his time to letters, and had recorded his essays in a folio volume seen by Call, which may still be extant, and which would exhibit some curious specimens of our early literature.† His paternal ancestor, Thomas Wythe, as early as 1718, was a member of the House of Burgesses, in which he represented for many years the county of Elizabeth City, where in 1726 George Wythe was born. He was the second son, and it is reported that, having lost his father in infancy, he was taught Latin by his mother, and even Greek; and it is not improbable that a tender mother, anxious for the progress of her orphan child, adopted a plan which had long been recommended by Locke in his tract on education, (which, by the way, was better known then than now,) and may occasionally have held a translation in her hand while her boy was toying with the original; but that she or any one else ever seriously taught him Latin or Greek in early life is out of the question; for, at a much later period, perhaps in middle life, certainly when his hand-writing was matured, and he was studying the Iliad at a time when the English of all Greek words could be reached only through the Latin, his manuscripts still extant show that he had not advanced far enough to spell the most common Latin words correctly. He served his apprenticeship to the law under his uncle John Lewis of Prince George; but, coming into the possession of a respectable estate by the death of his elder brother and of his mother, he led a careless life, and wasted in idleness some years of his youth—precious years, the loss of which he deplored to his dying day. All his substantial acquisitions were the work of after life. The intimate friend of Fau-

*Call probably saw the book in possession of Mr. Wythe. As Major Duval was the executor of Wythe, it is possible *his* executor may be able to trace it.

quier and Small, he became enamored of that learning which imparted to their conversation its richness and beauty; and, as he saw that classical quotation was the countersign not only of scholars but of intelligent and well-bred men abroad, he resolved to repair the defects of his early education. That he ultimately attained to a respectable knowledge of Latin and Greek is certain; and his warmest admirers may fairly concede that he did not reach that critical skill in the learned tongues which is rarely compassed by those who slight them in youth. But his literary accomplishments, great in themselves, were yet greater by a comparison with those of his contemporaries; and he was able to draw from the inexhaustible sources of ancient eloquence and poetry those pleasures which were the pride of his manhood and the delight of his old age. Nor was his eminent merit founded on his mere literary acquisitions. In the solid learning of the law he stood, with the exception of Thomson Mason, almost alone. As a speaker he was always able, often most impressive, and at times even eloquent. His preparations were made with conscientious care, and he was most successful in presenting his case in its best aspect; but he sometimes lost under the cross-fire of skillful opponents his self-possession in reply, and not unfrequently failed to rally until the day was lost. But the crowning graces of this good man were his personal independence, which, in a condition of worldly affairs barely removed from want,* was unassailable by fear or favor, his love of country, which, nurtured by his contemplations of classic antiquity, knew neither limit nor compromise, and the unblemished purity and modesty of his character. That miserable fear of risking popularity on any great occasion, which, like a spectre, haunts the daily as well as the nightly visions of the modern politician, never crossed his mind. He was one of the earliest and boldest defenders of the rights of the colonies in the House of Burgesses of which he had been a member as early as 1758; yet, while he drew during the session of 1764 the famous memorial to the House of Commons in terms so strong as to excite alarm, and which were pruned down by his more cautious compeers, he opposed the resolutions of Henry against the stamp

* Mr. Wythe lost many of his most valuable negroes during the Revolution, and apportioned half of his remaining estate among his relations. His salary as sole chancellor of Virginia was long only three hundred pounds, Virginia currency, and his official duties forced him to resign in 1789 his professorship in William and Mary and to reside in the expensive city of Richmond.

act the year following on the ground assumed by Pendleton and others that the petitions of the previous year had not yet had sufficient time to work their effect on the minds of the British people, and that it was the true policy of the colony to put the ministry as far as possible in the wrong. Of all the learned lawyers of the colony he alone upheld in its utmost extent the view of the relation of the colonies with Great Britain which had been maintained by Mr. Jefferson in his Summary View. Although he opposed the resolutions of Henry for putting the colonies into a posture of defence, which were adopted by the March Convention of 1775, he approved the more efficient scheme of Col. Nicholas. A thread of his quaker descent might be clearly traced throughout life in the general contexture of his character, but his patriotism was of too bold a stamp to shrink from the dangers of the field.* Hence he was among the first to join a volunteer corps with a musket on his shoulder and without a commission in his pocket. To defend his country was so paramount a duty in his eyes that mere rank in an army no more entered his thoughts than the relative position of his seat in the House of Burgesses or at the communion table. He was returned by the city of Williamsburg to the December Convention of 1775; but, as he was absent from the city in attendance on Congress, to a seat in which body he had been chosen the August previous, he was represented by Joseph Prentis. In June 1776 he strenuously supported on the floor of Congress the resolution introduced by the Virginia delegation declaratory of independence, and affixed his name—where it will be read forever—on the immortal declaration of the Fourth of July. It has been observed that he was absent during the greater part of the session of the Convention now sitting; but he was present near the close, and was appointed one of a committee of four to prepare the devices for a seal of the Commonwealth, which was done and was approved of by the Convention.†

* His maternal grandfather Keith was a quaker.

† As Mr. Wythe bore an active part in Congress in the debate on the resolution declaring independence, and signed the declaration of independence of the Fourth of July, it may be proper to show that he was present in the Virginia Convention sitting at the same time. The journal of the Convention shows that he was appointed on the first of July on the committee to prepare the seal, and "was *added to* the committee to bring in an ordinance for punishing the enemies of America," an act to be instantly performed. Now, as a member is never appointed to a committee during his absence, and certainly never "added" to a committee already existing unless he were personally present, he must have taken his seat in the body. He could not then have signed the declaration of

Of his subsequent career as the Speaker of the House of Delegates; as one of the committee of Revisors; as a professor of law in this college, gathering the gifted youth of his beloved state under the shadow of his wing; as a judge of the High Court of Chancery and necessarily a judge of the first Court of Appeals, the duties of which office he discharged with eminent ability and with a spirit of independence which placed him foremost in pronouncing for the first time under the constitution that an act of Assembly in conflict with that instrument is null and void;* as sole chancellor, the duties of which office he discharged until the time of his death in June 1806, with equal ability, with unwearied industry, and with general applause, albeit one of his decisions, that memorable one on the validity of the British debts, ran counter to a public prejudice almost universal; as a member of the Convention which formed the federal constitution and of the Convention which ratified that instrument in behalf of this Commonwealth; as a sage, diffusing around him a taste for philosophy and letters, and instilling into the minds of his pupils those principles which impelled them to imitate his virtues and even to eclipse the splendor of his fame;† and of his mournful death; it is not our purpose to speak at large at present. In respect of him, however, it is just to say, that in a course of fifty years uninterrupted official service, there was no pause in the public affection. While the eloquent Richard Henry Lee and the venerable Richard Bland, assailed by personal enemies, sought in person from the Convention or the Assembly an inquisition into their conduct, (which resulted in their honorable acquittal); while Harrison and Braxton, absent in the public service, were harshly superseded in Congress by an ungenerous manœuvre‡ made for the nonce, the

independence on the fourth of July when it was signed on paper, but probably signed it as did Richard Henry Lee on the second of August when it was engrossed on parchment and signed by the members. R. H. Lee, who offered in Congress the resolution of independence, and who sustained it in debate, was also present on the 1st of July in the Convention, and was also appointed on the committee to prepare the seal. It is now well known that some of the signatures to the Declaration were added some weeks and in one instance some months after the fourth of July.

* See his opinion in the case of the Commonweath vs. Caton and others, which, in the language of Call, "will ever be a memorial to his honor."

† What a patriotic cartoon—a School of Virginia greater than the School of Athens—might the brush of the Virginia artist depict in Wythe laying down the law in the midst of such pupils as Thomas Jefferson, James Monroe, John Marshall, James Innis, George Nicholas, Littleton Waller Tazewell, Henry Clay and John Wickham?

‡ By reducing the delegation from seven to five.

breath of suspicion was never blown on the name of Wythe. He made no public confession of his religious faith; and, as Mr. Jefferson has observed respecting him that "that religion must be good which could produce a life of such exemplary virtue," there have been doubts of his belief in the Christian system; but these are at once and forever dispelled by the declarations of Mr. Munford, who stated, in his eulogy pronounced over the corpse of Wythe in the Hall of the House of Delegates, that prayers for the mercies of his Redeemer were among his most fervent and latest aspirations. Need I recall to this assembly sitting in a hall which has often resounded with the echoes of his youthful voice and in which in later years his familiar presence has so often been, the form and features of this illustrious man such as he was when he took his seat in the Convention of 1776? Shall I point to that slender form, not emaciated and bowed as with thirty additional years' arduous labor on the bench and in the closet it subsequently became, but still erect and active, that over-arching forehead with its wide, magnificent sweep, and those dark grey eyes that beamed beneath it, that Roman nose, those finely chiseled lips on which the flame of conscious inspiration seems yet to burn, that broad and well defined chin, all making up a profile which would be singled out of a thousand as the profile of a man whose heart was the home of all the gentle affections, but whose intellect owned the supremacy of duty alone? No, sir, it were an idle task. More than a hundred years have passed since he first appeared within these walls or received your honors, and yet, as his name is on every tongue, so his form is reflected in every eye, and his image enshrined in every heart. And let us believe and declare, that, when fresh generations a century hence shall celebrate, as we do now, the immortal names inscribed on the roll of William and Mary, the honors which they accord to the worth of GEORGE WYTHE will be the fairest and fullest measure of their own.*

* Concerning Wythe consult a sketch of his life in Sanderson's Biography of the Signers of the Declaration of Independence, Mr. Jefferson's lettter to Sanderson and Mr. Jefferson's memoir of himself in the first volume of his writings, Mr. Clay's letter to B. B Minor esq. in the new edition of Wythe's Reports, and in the Va. Historical Register vol. V. 162, his manuscripts in the Historical Society of Virginia, Munford's funeral oration in the Richmond Enquirer of the thirteenth and seventeenth of June 1806, Wirt's Life of Henry, Call's sketch in the fourth volume of his Reports, journals of the House of Burgesses, of Congress for 1775–'6, of the Conventions, and of the House of Delegates, and our histories of Virginia, especially Charles Campbell's Introduction; Carrington Memo-

Such was the intimate connection for near half a century between Wythe and his great rival on the floor of the House of Burgesses, at the bar of the General Court, in the Conventions, in the House of Delegates, and in their respective courts of which each was for near thirty years the presiding justice, and in the public esteem, that the relation which they held toward each other forces itself upon the observer, and is indeed no unimportant part of the history of both. Pendleton was five years older than Wythe, was born poor, his father dying before he was born, had little or no instruction in his early years, and was placed in a clerk's office, the only sphere of improvement within his reach. Wythe, though he too lost his father in early life, was not destitute of means, and shared the supervision of a mother whose association with a father noted for his learning led her to appreciate the value of knowledge, and, if not to become the teacher of her son, to aid and encourage him in his studies. He also spent a term in this college, and with a view of studying law entered the office of an uncle who was engaged in an extensive practice. Thus far the advantages of fortune would seem to be on the side of Wythe; but these advantages he wantonly sacrificed, and in this sacrifice may be traced the distinctive traits of his future life. Pendleton, who had from his youth that elasticity of character which no imaginary burden could compress, and that instinctive sagacity in adjusting himself to his true position which in after-life stood him in such stead, devoted all his faculties to his employment, and with the fees derived from jobs beyond the routine of the desk purchased useful books which he studied closely. He saw at a glance that his only hope of distinction and wealth lay in success at the bar; for even the successorship of his master, however remote, at a time when the clerks of the secretary of the colony were billeted upon the various county offices, was wholly out of the question. A clerk's office at this day is no mean school of law, and the speeches of counsel

randa. Call and Allen make Wythe speaker of the House of Burgesses, which he never was, that office having been filled long before Wythe was a member of the body up to the Revolution by two men only: Mr. Speaker Robinson, who held it for near twenty years until his death in 1765, when at the ensuing session in 1766 Peyton Randolph was elected over Col. R. Bland and held it until the house was superseded by the Conventions. As stated in the text, Mr. Wythe was sometime Clerk of the House. He was the Speaker of the House of Delegates in 1777. Should it be that he ever filled the chair of the House of Burgesses, it must have been *pro tempore* during Peyton Randolph's visit to England, which, however, is not probable.

employed in affairs of real life are no mean substitutes for the lectures of professors; but, if such be the case at present, it was still more the case under the less complicated practice of the colonial system. It was almost impossible for a youth of quick parts, bent on his advancement in life, who had performed for seven years the duties of a clerk, devoting his leisure hours to the study of the law, and who had heard for so long a time the speeches of the leading counsel of the day, not to become expert in the ordinary business of the county court lawyer; and hence in the case of Pendleton, as at a later day in the case of Paul Carrington, there was hardly an interval between the procuring of a license and a heavy docket. With the increase of business came the strict study of the principles of each case; a study from which he was not to be diverted by the promptings of idleness, the blandishments of pleasure, or even the pursuits of literature. A book was sought only for the information touching the case in hand, and, when that object was obtained, it was laid aside. What was the result of necessity at first, became afterwards a habit and a pleasure, and when a volume of Burrow, containing the decisions of Lord Mansfield, appeared, he seized upon it with the zest with which a modern reader hailed a volume from the author of Waverley, or a work from the hand of Macauley; and he declared to Call in his latter days that he did not desire more pleasant reading. But it was for adjudicated cases only he sought in the books of the law. For its mere literature he had no respect; and it is probable that it never occurred to him to inquire whether Fleta was the name of a person or a thing, the name of the author of a book or the name of a book;* while Wythe had not only scanned the origin of the name, but had weighed in his mind the respective claims of the two prominent candidates for its authorship. From the County Courts Pendleton passed in due time to the General Court where his industry was quickened and his emulation excited by a competition with men thoroughly conversant with the science and the practice of the law which some of them had studied in the Temple. In this new school he not only acquired knowledge of the most useful kind, and, the greatest of all his acquisitions and for which he was forever afterwards distinguished, the readiness of making whatever

* Blackstone quotes Fleta as if he were doubtful of the name. He sometimes uses the expression: Fleta says; and then again as the author of Fleta says.

knowledge he possessed available on the instant. His intimacy with the ablest members of the House of Burgesses, which he entered early, gave a spur to his ambition, and he had not held his seat long before his acquaintance with current business and his ready and graceful elocution marked him out as one of the rising men of the day. Such was the man whom Wythe, reverting to his studies after a long truancy, was called on to encounter. From what has been said it could easily have been foreseen what the result of such an encounter would be. It has rarely happened that any man who engaged late in life in a learned profession, and certainly such a profession as the law, ever attained to the highest degree of excellence in all the requisites which ensure complete success. Wythe, whose early advantages were greater than those of Pendleton, had allowed the spring-time of life to pass unimproved, and when, as middle life approached, he grappled seriously with his studies, he had difficulties to surmount which would have obstructed altogether the course of ordinary men, and which his genius and application did not entirely overcome. General literature he had probably never altogether neglected, perhaps not even the literature of the law; but a knowledge of adjudicated cases, the subtleties of special pleading, and what may be called the habits of the bar, were to be learned by him, when these had been for years the exclusive meditation of Pendleton, who was five years his senior, and who from his twelfth year had never lost a day from the eager pursuit of his profession. Moreover, in the physical qualities not unessential to success at the bar, Pendleton not only excelled Wythe, but most of his contemporaries, for his person was of the first order of manly beauty, his voice clear and silver-toned and under perfect control, and his manners were so fascinating as to charm all who came in contact with him. These advantages Wythe did not share in an equal degree. Hence the only ground of success on which Wythe could build was to lay in a greater stock of legal knowledge than that possessed by Pendleton; for Pendleton, who had studied law rather as it was to be found in the cases than as a system, and may be said rather to have known a great deal of law than to have been a master of the science, approached nearer the character of a great advocate than of a great lawyer; and it was to this point the studies of Wythe were directed, all things considered, with wonderful success. That

he more thoroughly mastered the learning of his profession than any of his contemporaries, excepting Thomson Mason, seems to be conceded; yet in his contests with Pendleton, though clad in the substantial armor of the law, he not only felt at times the point of his lance, and reeled from the shock, but was sometimes fairly rolled in the dust. As members of the bar and as politicians they shared equally the public esteem; yet it may appear singular that in the latter character they seem to have reversed their relative positions toward each other. Wythe might be supposed from his love of the weightier matters of the law to have been averse from change, and to favor a pacific policy; and Pendleton from his habit of regarding the law as a mere instrument for effecting his purposes might have been supposed to view changes in law and politics as matters of convenience; yet the reverse proved to be true. The first illustration of this difference may be drawn from the session of the House of Burgesses of 1764, when Wythe wrote the memorial to the Commons in a temper that would have suited a much later day; Pendleton was for modulating its tones to the diseased ear of a reckless House of Commons. When the precise relation of the colonies to Great Britain became the theme of discussion, Wythe boldly contended that the true relation was that which Scotland held previous to the act of Union—a common king, but nought else in common, while Pendleton halted at what has been called the half-way house of John Dickinson. When the constitution took effect, both were members of the first House of Delegates, and were subsequently placed on the Committee of Revisors; and here their relative positions were signally reversed. Pendleton, the architect of his own fortune, clung with death-like pertinacity to the law of primogeniture and entails, and to an established church; Wythe saw at a glance the incompatibility of such institutions with a republican system, and advocated their immediate repeal. Both filled the chair of the House for a single session, and each won distinction as a presiding officer. On the organization of the new judiciary each was called to the highest seat in his respective court, and, although their decisions more than once smacked of their ancient warfare, were equally acceptable to the people. In the Virginia Convention called to discuss the federal constitution, of which body Pendleton was the president and Wythe the chairman of the Committee of the Whole during its sittings, both voted for the

ratification of that instrument; and this vote is the only enigma in the life of Wythe. Pendleton was a man of the world, and transacted business as a thing to be done; Wythe was sometimes beguiled by the mode of doing it. Pendleton, who inherited nothing, brought his mind to bear on the game of life, and amassed a large fortune; Wythe, who inherited a handsome patrimony, died poor. Pendleton was strictly a man of talents, and regarded all knowledge merely as a means of pursuing his ends with success. Wythe was a man of genius, and loved knowledge for its own sake. To undertake the acquisition of the learned languages late in life was a heroic aim, from which Pendleton would have shrunk, unless a knowledge of them had been indispensable to the proper conduct of current business, but which Wythe embraced that he might enjoy at the fountain head those pleasures which, as they are the purest, so they are the most precious bequests of the genius of the ages that are past. Pendleton rarely read an English book beyond the range of the law in its ordinary or in its historical aspect. He had probably never seen the Fairy Queen or read a book of Paradise Lost. He would not have given the value of a dollar in Virginia currency, when that currency was at its lowest ebb,

> "To call up him that left half-told
> The story of Cambuscan bold."

He cared very little for stories at all, and still less, if less be possible, for the conclusion of a story of which he had not heard the beginning; and he would have sent Sappho and Aspasia to the workhouse with the emphatic admonition which the Earl of Wilton gave to the ejected nuns: Go, spin; you jades, go spin. Wythe had burrowed so deeply in the heaps of ancient literature—had dwelt so long on the ancient classics, some of them out of the common range, and on the writers of the Elizabethan and Cromwellian eras, that he could hardly refrain from giving a line of Horace the force of an act of Assembly, nor could forbear from quoting the authority of Aulus Gellius, that prince of tattlers, in a solemn judicial decision; and he caught the turns of expression of our old writers, and dressed his thoughts in a garb that Raleigh or Vane would have recognized as his daily wear. Hence, from opposite causes, neither of these great jurists ever attained to a graceful mastery of the English tongue. The style of Pendleton, as his letters and published

writings show, was bald, inelegant, incorrect and often involved, and without spirit.* It was only under the excitement of debate that his words were combined with some degree of taste and elegance. The style of Wythe grew more quaint as he grew old, and, if more correct than Pendleton's, was not more grateful to modern ears. It is remarkable that neither of them ever reached the elegance which the casual productions of Patrick Henry's pen frequently exhibit. Both received the veneration of the people in a degree rarely accorded to the ermine in recent times; in the person of Wythe that veneration deepened into love. Both lived to the age of fourscore and died in full harness;† Pendleton gathered to his fathers as a sheaf full ripe to the garners; Wythe perishing by a poisonous draught, mixed at his own fireside, and presented by a parricidal hand;—neither leaving a descendant; and both receiving all the honors which a grateful country could bestow upon the illustrious dead. For it is unquestionably the peculiar praise of these exalted patriots, that, during a term of fifty years' public service, they held office, not for their own sake, not for the sake of office, but for the sake of their country. ‡

Let us now glance at the character of a member of the Convention, whose form was long familiar in your streets, who has often sat in this hall, who, though not a student of this College, was one of its most active and intelligent visitors, who was long the pride of the social circles of this city, whose eloquence was the delight of the Senate, and whose patriotism illumines one of the proudest pages of his country's story. Among the patriotic names distinguished in our early councils none is invested with a purer lustre than the name of Lee. It is radiant with the glory of the Revolution. It has been illustrated by the sword, by the pen, and by the tongue. And in the Convention now sitting were two brothers who bore the name, and who impressed upon it a dignity, which, prominent as it had been for more than a century of colonial

* His political writings are alluded to. The opinion of Wickham on the precision of his language in the revised bills drawn by him, and which was mainly technical, has already been quoted.

† Pendleton died at the age of eighty-two, Wythe at the age of eighty.

‡ Since the note on a preceding page was in type, I have ascertained from a letter of Wythe to Mr. Jefferson, dated July 27, 1776, which escaped my recollection at the moment, that Mr. W. appeared in the Convention after the constitution had been committed to the committee of the whole house. See Burk, IV, 151, Note.

history, it had never borne before. THOMAS LUDWELL and RICHARD HENRY LEE were brothers. Ludwell, the elder of the two, held a conspicuous position as a patriot and lawyer, and died before the close of the war; but not until he had filled the most responsible trusts with fidelity and honor. He had been a member of the House of Burgesses, was a member of the Conventions of July and December 1775, and was chosen a member of the Committee of Safety. He took his seat in the Convention now sitting as a member for Stafford, and was placed on the committee appointed to draft a declaration of rights and a plan of government. On the organization of the new government under the constitution he was appointed one of the five Revisors, and was elected one of the five judges of the General Court.* In the midst of his useful career he fell a martyr to disease. But such was the reputation of RICHARD HENRY LEE, that the fame of almost all his distinguished brothers was lost in the brightness of its blaze. He was born at Stratford, his father's seat on the Potomac, on the twentieth of January 1732, was put to school in Yorkshire, England, returning home before his twentieth year. As early as 1755 he entered the House of Burgesses, and continued a member at intervals until the war of the Revolution. Although a member of the House he was not present when Henry offered his resolutions against the stamp act, but approved their spirit; and on his return home organized an association for the purpose of resisting the execution of the act.† In 1770 he was a member of the Mercantile Association so often referred to;‡ and in 1773 he was one of the Committee of Correspondence called into existence mainly by his influence, and in 1774 was deputed to the first Congress where he made one of the most brilliant displays of his eloquence. The prominent part which he sustained in Congress of which he was a member at intervals until that body was superseded by the adoption of the federal constitution, and of which he was for a time the president, is now known to all. The recollections of his able state-papers, of his speeches, and especially of that patriotism, which glowed the fiercer amid the sternest trials,

* The other judges were Joseph Jones, John Blair, Thomson Mason, and Paul Carrington.

† For a copy of the Westmoreland Association see Va. Historical Register Vol II, 14.

‡Va. Hist. Register Vol. III, 18.

are among the most precious in the estimation not only of this commonwealth but of the country at large.*

And here it is proper to animadvert to the popular error sanctioned by the authority of the eloquent and patriotic author of the life of Patrick Henry, which is in substance that in the continental Congress the lustre of Lee's fame was dimmed by his inability to write in a manner commensurate with his reputation as a public speaker. A more grievous mistake was never made by one man of genius in estimating the merits of another. That such was apparently the case with Patrick Henry may be granted; though in his case even, much, very much must be conceded to indolence and an insuperable aversion from the labors of the closet; for we are told by Mr. Jefferson, not that Henry was too indolent to write papers, but that he could not be prevailed upon to read papers when written by others; but the case of Lee was widely diverse. The opinion of his age and of his contemporaries in Congress was wholly different from the modern notion; and this opinion was exhibited in Congress in a mode that admits of no dispute; for to Lee was committed the preparation of the most important papers of the times, and these papers were approved in many instances without alteration or amendment, and adopted by the body. If we look at the number of those drawn by Lee, their adaptedness to the occasion, the accurate knowledge of law and fact which they exhibit, their temperate yet animated spirit, the ease and elegance of their style, we know not, if called on to select from the names of the most eminent men who had then excelled alike on the floor of parliament and in the closet, after excepting Bolingbroke and Burke, where his superior among men of the English race can be found. The origin of the common error may be readily seen. In the first place, the authorship of the great papers of the revolutionary era written in our state as well as in our national councils, though known at the time, had slipped from the public mind, was unsupported by written evidence, and, until re-

* See the life of R. H. Lee by his grandson, in which his congressional career is dwelt upon at length. With the exception of a notice of Wythe, Nelson and Harrison, in a work called the Signers of the Declaration of Independence, Wirt's Life of Henry, and Tucker's Life of Jefferson, there is no other biography of any member of the Convention, and this consideration has led me more into detail in this discourse than would otherwise have been necessary. Not even Madison has a biographer. There are two men living, either of whom could perform the task well.

cently, was almost unknown. The examination of manuscripts and the publication of papers from private depositories have within a few years past shed much light upon the subject. It should be remarked, in the second place, that those who look into the reports of the Revolution for that elaborate argumentation and exquisite polish which mark the great state-papers of the present day, will be disappointed. Most of the papers of that day were written on the spur of the moment in a spirit of business, and were never revised by their authors; nor should it be overlooked that long state-papers written rather in the style of an eclectic professor than of a practical statesman, is wholly the growth of modern times, and, we may add, of recent American growth. The most famous productions of British statesmen, even on questions of the greatest moment, are relatively brief. The letters of Jefferson to Hammond and of Madison to Erskine, which were justly deemed masterpieces of diplomatic writing, savor in their brevity of their British models. The long and elaborate disquisition of recent papers, their rhetorical embellishments, the popular appeals flashing through them, which show that the writers were evidently looking beyond their present purpose, however suited to the sphere of the stately review, or excellent as specimens of demonstrative eloquence, may be justly arraigned at the bar of a correct literary or practical taste. Of this gaudy ambition not the slightest trace appears in the papers of the Revolution. These were written by men who were thoroughly conversant with the facts of the case in hand and with the learning applicable to them, who were dealing with the most serious issues, and who sought the single object of making upon the minds of others the impression of their own. Mawkish sensibility, meretricious ornament or artifice, the turn of a period or the beauty of an illustration, had no charm in the eyes of men who well knew that, if they failed to be successful in the struggle in which they were engaged, their fortunes would be confiscated, their families exposed to want, and themselves destined to the gibbet or to the tender mercies of a prison-ship. With such men statesmanship was, as indeed it really is, nothing more than the means of doing the public business, whether with the tongue or the pen, as public business ought to be done—speedily, effectually, and honorably. It was this masterly execution that called forth the gratulations of Chatham. Now one of the papers which kindled the enthusi-

asm of Chatham is said to have been from the pen of Lee.* If we were required to point out a paper of that epoch, which possessed the double merit of including all the qualities which a public writing ought to possess, and of excluding all that it ought not, we would refer to the Address to the inhabitants of the colonies put forth by Congress at the close of the September session of 1774. This paper, fit to be placed by the side of the Declaration of Independence, is one and one only of the able papers from the pen of Lee.† Another paper in the form of an Address from the twelve united colonies, by their delegates in Congress, to the inhabitants of Great Britain, drawn by Lee, is one of the noblest of the period.‡ Whether we respect its correct style, the selection and arrangement of its topics, its fine argumentation, or the patriotic glow which pervades the whole, it merits the highest praise. Of the numerous papers on the gravest questions of the day, which were written by Lee during a congressional term which reached with intervals from 1774 to 1788, we have not leisure to speak. Had Wirt, whose veneration of the genius of others was a pure and unconscious reflection of his own, lived to behold the claims of Lee to the authorship of the papers in question and of others equally as able fully established, he would have rejoiced to heap honor on a man whose distinctive merit it was that, above all his contemporaries, he united in his person in a supreme degree the various and rare qualities of the accomplished writer to those of the consummate orator and of the profound statesman.

The accidental presence of Lee in the present Convention excited the deepest interest. He had been suddenly called from Congress by the illness of his wife;‖ but, before he retired, he had proposed the resolution declaring independence in obedience of the instructions of the Convention now sitting, and by his masterly eloquence had sustained it, amid the misgivings of the weak and the fears of the cautious, triumphantly in debate. And, when he was about taking his seat in Convention, the Declaration of Independence, the offspring of his resolution, was about to be pro-

* Life of R. H. Lee by his grandson.
† Life of R. H. Lee, Vol. I, 119.
‡ Ibid, Vol. I, 143.
‖ George Mason had written to him earnestly beseeching him to leave Congress and come to the Convention. See letter of Mason to Lee dated May 18, 1776 in the archives of the Virginia Historical Society.

claimed, and was eagerly expected by the members who may be said to have called it into existence.* He was the only member of Congress, who was also a member of the body, except Wythe and Nelson, that was present during the session, and he had arrived too late for the discussion on the declaration of rights and the plan of government, both of which had already been adopted; but it is probable that the beautiful prayer which the Convention substituted in the liturgy for the prayer in behalf of the king and the royal family was from his classic pen. It is to be deplored, that of all his eloquent speeches, delivered on the most interesting topics in the course of a parliamentary career embracing more than the third of a century, not a solitary specimen has survived him. When William Pitt, in the midst of a brilliant coterie of scholars who were regretting the lost works of philosophers, orators, and poets, was asked what work of the genius of the past he would soonest recall from oblivion, he promptly answered; A speech of Bolingbroke's. The lover of Virginia, who truly estimated the genius of her most accomplished son, and who remembered the numerous occasions which were illustrated by his eloquence, would have said: A speech of Lee's.

One incident in his life, most painful in some of its aspects, as deeply wounding the sensibilities of a patriot and a man of honor, demands a passing review. It should be observed that Lee, though descended from one of the oldest and most honorable families of the colony, did not inherit any large share of the affections of the people. His ancestors on both sides of the house had indeed filled high offices time immemorial; but they had been in all things the bigotted devotees of the established church and of a kingly government. A change had now passed over the spirit of the people. In revolutions, it has been truly said, men live fast, and not only discard instantly opinions in which they had long acquiesced, but trend to the opposite extreme. The Revolution of 1776 had fresh-

* The first printed statement of the adoption of the Declaration of Independence of the fourth of July by Congress was made in the Virginia Gazette of the 19th of July; when a synopsis only of its contents was published. The document in full was first published in the Gazette of the 26th of July by an order of Council, and the sheriff of each county was enjoined to proclaim it at the door of his court-house on the first court day after he shall have received it. The order was signed by Archibald Blair as clerk of the Council. It is probable that the passage of the Declaration was known by private letters as early as the 10th or 12th of the month. See the Virginia Gazette of the above dates in the State Library.

ened in the general mind the recollections of the Revolution of 1676, and it was well-known that the maternal ancestor of Lee was the active accomplice of Sir William Berkeley, and was responsible in some degree for the merciless butcheries perpetrated by that imbecile tyrant. The blood of the patriotic Bland, of the gallant Hansford, and of the inflexible Drummond, could still be seen, through the haze of a century, sticking to his skirts. The fathers of the men then on the stage remembered to have heard from the mouths of men who had seen the blue flag of Monmouth raised in the public square of Taunton and who had been present at Sedgemoor,* and through the emigrants from Barbadoes, of the judicial murders of Jeffries at the close of Monmouth's rebellion; but, execrable as was the conduct of the British judge, they deemed the conduct of Berkeley more execrable still; for Jeffries, so far from having in his pocket, as Berkeley had, a pardon for the unfortunate criminals whom he slew, was acting under the express instructions of the king. Nor did it mend matters in the common mind that Lee's ancestor, Ludwell, had married the widow of the tyrant. It was believed that one of his ancestors had sought Charles the Second in his retirement at Breda, and offered him the throne of Virginia; and, although this report is now classed among the fables that long obscured that portion of our early history, its fallacy was not then detected. Nor were the grounds of hostility to the family purely historical. Dissenters had increased rapidly in the colony, and among the inhabitants of the Northern Neck were many persons of this description who could not fail to remember with emotions of the keenest resentment the persecution which they had endured from the friends of the church, and that it was the father of Richard Henry Lee who, as a member of the Council, had not only driven the pious and eloquent Rodgers out of the colony, but had threatened to withdraw his license to preach the gospel of Jesus Christ from one more eloquent still, whom they regarded as the apostle of a true faith, the gifted Davies. What aggravated the conduct of Thomas Lee, the father of Richard Henry, was that he persisted in his illiberal course in opposition to the royal governor, whose peculiar province it was to decide upon the meaning of the act of toleration, and who had leaned to the side of religious free-

* See letter of James the Second to Effingham in C. Campbell's History, page 99.

dom. Nor could it be forgotten that Richard Henry Lee himself had faltered in the dawn of the troubles with the mother country, and that, versed as he was in constitutional lore, and capable of forming an opinion of the legality of acts of parliament, he had in an evil hour, when the stamp act was about to be passed, at the mature age of thirty-two, warmly urged his claims to one of the offices to be created by it. It was true that upon more deliberate reflection he had changed his mind, and had opposed the execution of that measure with zeal and ability; and had subsequently maintained the rights of the colonies with a boldness that courted danger and with eloquence almost unrivalled; but the people whose voice now controlled public affairs, had never heard his eloquent speeches, which were delivered in the House of Burgesses, in Carpenter's Hall, and in the Hall of Independence, and not before them. Nor had they read them; for the newspapers of that day were few, and were so small that a single speech of an hour's length would fill half a dozen weekly issues. At the moment of which we are speaking, it was, moreover, uncertain whether the great struggle of our fathers for the rights of Englishmen would be called a Revolution or a Rebellion; and, as an element in the excited state of the times, it may be mentioned that the contest between the church and a majority of the people who were opposed to the church, was then waging in popular meetings, in ecclesiastical bodies, and on the floor of the General Assembly.* And it was well known that Lee was one of the ablest friends of the church. Hence, if any occasion for an attack on the character of this eminent man should arise, there was much in the antecedents of his race and in his religious attachments to be seized upon to inflame the popular mind against him. And an occasion soon arose. During the session of the General Assembly in 1777, the election of the members of Congress was held, and it was ascertained on counting the ballots that Lee was superseded. The fact that five other persons had received more votes than himself would at any time have wounded his pride and his sense of justice; but, in the absence of any serious charge against him, would have afforded no ground for animadversion. It appeared, however, that either in conversation

* Mr. Jefferson thought that the Dissenters at the date of the Revolution composed a majority of the people. Mr. Madison was inclined to think that Mr. J. over estimated their numbers. Tucker's Jefferson and Jefferson's Memoirs.

or in debate malignant and scandalous hints and inuendoes, to use his own language, were cast upon his character, and doubtless affected the result. He instantly withdrew from Congress to Chantilly, was immediately returned to the Assembly, and hastened to take his seat in the House of Delegates. He promptly demanded from the General Assembly an investigation into his conduct as a member of Congress, which was granted.

Now for the first time under the constitution the Assembly was to hold an inquest into the character of a member of Congress. The novelty of the occasion imparted an interest to the scene. The Convention of July had performed a similar office in the case of Col. Bland;* but, as that body was single and undivided, the mode of procedure was obvious. But the Assembly consisted of two houses, both of which must decide in the premises; and the question arose whether the trial should take place before each house separately, or before the houses in joint-session. Yet another question arose. If the trial were to be conducted in joint-session, should the members of the House proceed to the chamber of the Senate, or the members of the Senate proceed to the chamber of the House. In England the House of Lords had never appeared at the bar of the House of Commons; on the contrary, the Commons had always appeared at the bar of the Lords. It was soon seen that there was no analogy between the cases. When the Commons appeared at the bar of the Lords, it was either to hear a speech from the throne or to prosecute an impeachment; but on no ordinary occasion had the houses ever been required to unite in the a joint-vote. It was plain, that, in the absence of precedent, the law of convenience should prevail. And, as the number of the delegates exceeded the number of the Senators more than four times, and as the chamber of the Senate was arranged on too small a scale to hold both bodies, it was determined that the trial should proceed in the hall of the House of Delegates.

The day of the trial arrived. The novelty of the procedure, the fame of the individual whose reputation was at stake, the deep and irrepressible excitement of the public mind which had recently led to the sacrifice of so illustrious a victim, and which was now rekindled for a second contest, and the universal desire of observing

* Journal Convention, of July 1775, page 8.

the exhibition of that eloquence which had so often been heard within those walls, and which, when employed in behalf of others, was almost irresistible, filled the hall of the Capitol with a concourse of people which had not been seen in this city since the resolution of independence had been adopted by the Convention the year preceding. Probably at no period of his life did Lee experience more painful sensations than he then felt.* Heretofore a brilliant audience served only to quicken his faculties; but now his associates were his judges, and that large audience might be the witnesses of his shame. He felt that sense of humiliation, which a proud spirit, conscious of right, might well feel in appearing before men who had already prejudged his case under circumstances most painful to his pride as a man of honor, and injurious to his reputation as a statesman. With popular bodies he had indeed been long familiar; but popular bodies in exciting times he well knew were rarely controlled by the mere force of testimony; and by the setting of that day's sun he might be pronounced a dishonored man. Nor could he refrain from the reflection, perhaps a generous one, that the interest of that spectacle extended beyond the confines of Virginia, and that the eyes of Congress, from which body he had been so unkindly recalled, were eagerly fixed upon it. Before him in the chair of the House sat George Wythe, who, though six years older than himself, and seemingly advanced in life, had not yet taken his seat on the bench of that Court in which he was to preside for the third of a century, who had observed his course from his first appearance on the public stage, who had heard almost all his great speeches at home and abroad, and with whom he had passed so many years of mingled hopes and fears. The Senate was soon announced, and entered the hall, the venerable Archibald Cary at its head. The Speakers of the Houses sat side by side. The members of the Senate sat together. The order of the day was then called. Witnesses were examined at length; and when the testimony was taken, Lee proceeded to address the assembly. Not a sentence of that speech has come down to us, but its effect is well

* The details of the votes for the five members of Congress who were elected when Lee was superseded were well calculated to mortify him. Each member was elected separately, and Lee's name was brought forward five times but never received more than eleven votes in a house of near one hundred and thirty members, and on one of the ballots it received but two. To add to his mortification, his own brother Francis Lightfoot Lee was brought forward and elected. See Journal of the H. of D. for 1777, pages 33, 34, and 35.

remembered. We are told that he spoke with an eloquence so touching that every heart was melted by its power, and that every eye was in tears. When he concluded, the Senate withdrew, and the House immediately voted an acquittal; and adopted a resolution instructing the Speaker to return its thanks to Lee "for the faithful services he has rendered his country in the discharge of his duty as one of the delegates from this state in the General Congress." On the passage of the resolution the Speaker rose and performed his office—the tears rolling down his honest face as he spoke. When he closed his remarks, Mr. Lee, who rose to receive the address of the Speaker, made his acknowledgements to the House in a brief and exquisitely graceful but manly speech.* The Senate also passed an honorable acquittal. That this affair made a most painful impression on the mind of Lee may be inferred from the fact stated by him in a letter to John Adams written two years afterwards, that he looked to Massachusetts as the place "where he yet hoped to finish the remainder of his days."†

Now, strange as it may appear, there is no official record, no general history, not even the gazettes of the day, not even the fragment of a published letter, which throws any light on the nature of the charges which blasted for a time the popularity of one of the purest patriots of the Revolution. Girardin states that the charges have not come down to us. The grandson of Lee, in his pious tribute to the memory of his ancestor, mentions, but without giving any authority for the fact, what he supposes to have been the grounds of the accusation. It was therefore with sincere pleasure that the person addressing the chair, in the course of an examination of the papers of Patrick Henry in the possession of his son at Red Hill, found a letter written by Lee to Henry in which he states the charges alleged against him, and refutes them at length and with perfect success. These charges were mainly that in exacting his rents from his tenants, which, much to their advantage when the contract was made, were payable in kind—a contract made before the Revolution and of course before the issue of paper money

* The speeches of Wythe and Lee may be found in the Journals of the House of Delegates of that year, (113) in Girardin, and in the Life of Lee by his grandson. The Journal states that Mr. Lee rose in his place when Mr. Wythe addressed him. The custom of the British Parliament is that when a member is thanked in his place, that place becomes his fixed seat as long as he remains a member of the House. I know not whether this usage prevailed in the colony.

† Life of R. H. Lee Vol. 1. 226.

by the state—he sought to depreciate the public currency; and that he had made in his public capacity in Congress a discrimination in favor of the Northern ports against the Southern. These were evidently pretexts for an opposition based upon other grounds. Nor was this opposition exhibited only in excluding Lee from the delegation to Congress. Under a plausible pretext of rotation in office, an act had been passed which declared "that no person who shall have served, or shall hereafter serve, as a member of Congress for three years successively, including the time he hath heretofore served, shall be capable of serving therein again till he shall be out of the same one whole year;"*—a measure which lost to the confederation the services of some of our ablest men at a most difficult crisis, and which Lee states in the letter alluded to was aimed expressly at him. The truth is that the history of Virginia from the meeting of the first House of Delegates in the fall of 1776 to the close of the war, is yet almost wholly unwritten. Glimpses, faint and casual, of the state of parties may be seen in the text of Girardin and in his notes. A record from one cabinet and a rumor founded on the supposed contents of another, serve only to sharpen the general curiosity, not to satisfy it. Should the state of parties during the time specified ever be recorded with any fullness and by an impartial hand, it will make up one of the most unexpected and most thrilling chapters in our annals. And let me add, that unless the effort be made ere long to write that portion of our secret history, it will be lost to posterity.†

* Hening's Statutes at Large, Vol. IX. 299. The same act provides that the pay of a member of Congress shall be eight dollars per diem, fifteen pence per mile going and returning, together with his ferriages; and that no member of Congress shall be eligible to either house of assembly. The Virginia restriction of the term of service of a member of Congress was made still more stringent in the Articles of Confederation, which provided that no delegate should be eligible for more than three years in a period of six.

† Through all his difficulties Lee retained the unabated confidence and affection of Patrick Henry. As illustrations of this fact, and in defence of Lee, I annex several extracts from the letters of Henry addressed to Lee:

"Adieu my dear friend. May your powerful assistance be never wanted when the best interests of America are in danger. May the subterfuges of Toryism be continually exposed and counteracted by that zeal and ability you have so long displayed to the peculiar honor of your native country, and the advantage of all the United States. I am your ever affectionate P. Henry, jun." The date of the above extract is the time when Lee was most unpopular; viz: Williamsburg, March 20, 1777.

"In this suspense (the Legislature had been sitting some time and had done nothing) when matters of vast concern are on the tapis, your friends think the general interests of America and the welfare of this State call you here. I

An opportunity soon occurred of reinstating Mr. Lee in his former position. Col. Mason, who was one of the five members elected when Lee was deposed, having declined to accept the appointment, he was elected in his stead, again took his seat in Congress of which body he became the president, and was re-elected as often as he became eligible under the Confederation, until that body was superseded by the federal constitution. When not a member of Congress, he was usually a member of the House of Delegates; and it is honorable to his character to affirm that the views which he took of many of the great questions in our revolutionary councils, such as the expediency of the repeated issues of paper money, the payment of the British debts, the payment of taxes in kind, and similar topics, are those which the philosophic historian with the panorama of the past unfolded before him would pronounce to have been the wisest and best. As he was a member of Congress while the federal Convention was sitting in Philadel-

should think so too, did I not know that your whole time and attention have been bestowed on the American contest since its first beginnings. Fine parts are seldom joined to industry, and very seldom accompany such a degree of strength and toughness as your long contest with Tories required. I know how necessary a little repose is to you. It is cruel to deny it. But I cannot help fearing that our country may date the era of calamity at the time when you are absent from the public counsels." Williamsburg, Dec. 18, 1777.

From the letter from which the above extract is taken, I select a paragraph which will show not only that some of the members of the Convention opposed a declaration of independence, but that they were well known at the time:

"The Confederation is passed (the Assembly) nem. con.; though opposed *by some who opposed independency.* This I hear, and I hear other things, though I shall forbear to enlarge because I still entertain some hope you will be here to see and hear for yourself, and by seeing and hearing, once more eminently serve the cause of Whiggism and your country. I beg you to be assured that with great affection I am, my dear friend, yours ever."

Some months later (April 4, 1778,) Henry addressed to Lee the letter of which the following is an extract:

"You are again traduced by a certain set who have drawn in others, who say that you are engaged in a scheme to discard Gen. Washington. I know you too well to suppose you would attempt anything not evidently calculated to serve the cause of Whiggism. To dismiss the General would not be so; ergo, &c., &c. But it is your fate to suffer the constant attacks of disguised Tories who take this measure to lessen you. Farewell, my dear friend. In praying for your welfare, I pray for that of my country to which your life and service are of the last moment. I am in great haste your affectionate P. Henry."

And eleven years later, when Lee was a member of the Senate of the United States, a most intimate correspondence was carried on through the post. From the conclusion of one of the letters of Henry, dated Prince Edward, Aug. 28, 1789, taken at a venture, it will be seen the same devoted friendship existed between them:

"May you long continue the friend and support of your country's best interests, and enjoy every good thing, is the sincere wish of, dear sir, your affectionate friend and servant."

phia, he declined an appointment to that body as the successor of Patrick Henry;* nor was he a member of the Convention of Virginia which ratified the federal constitution; but he strenuously opposed its adoption without previous amendments, and in a letter addressed to the Governor of this state he pointed out what he deemed its defects, insisting that the state should refuse to adopt the constitution until previous amendments were ratified in the mode presented by that instrument. This letter made a deep impression not only on the people of Virginia but on those of Kentucky and North Carolina. On the organization of the federal government he was elected to the Senate of the United States, and made great and not wholly unsuccessful efforts to effect those changes in the constitution which he had urged in his published letter, and which were suggested by the Virginia Convention. He remained in the Senate three years, when he resigned his seat, and died two years after, on the nineteenth day of June, 1794, at Chantilly, his residence in the county of Westmoreland, in the sixty-fourth year of his age.

Of the men of the Revolution none has come down to us with more distinctness than Richard Henry Lee. His tall, spare form, his head, in the language of a kindred spirit, "leaning persuasively and gracefully forward," his Roman profile which instantly marked him out from the lobby or the gallery, his action polished with such rare skill that the loss of the fingers of his left hand failed so attract the attention of the observer, his flowing eloquence set off by the modulated tones of a sweet voice, his classic wit, his devotion to his country, and his calm and ardent piety which gilded his pathway almost from the cradle to the grave; these impressions, as they are contemplated by us with delight, at the distance of two generations, so they will be remembered with grateful admiration for ages yet to come.†

* So stated by Mr. Madison in a letter to Jefferson dated April 23, 1787. Madison Papers, 643.

† Curtis in his History of the Constitution of the United States, (I, 49,) after stating that Mr. Lee was the author of the plan adopted by the House of Burgesses in 1773 for the formation of committees of correspondence, out of which grew the plan of the Continental Congress, observes: "In the second Congress he was *selected* to move the resolution of independence." If the meaning of this be that Lee was *selected* directly or indirectly by the body to offer that resolution, I am inclined to believe that Mr. Curtis is mistaken. The Virginia delegation was peremptorily instructed to propose independence by the present Convention, and the duty of presenting the resolution naturally devolved upon Lee as the senior member, and one who was the best speaker among them. Mr.

In close connection with the name of Richard Henry Lee has been associated for nearly a century past, and will be in future time, the name of a statesman, who, though sprung from a stock unknown and unhonored in the colony, and destitute of that wealth which even in colonial society not unfrequently supplied the place of birth, was his successful rival in the House of Burgesses, in the State Conventions, on the floor of Congress, and subsequently in

Curtis overlooks the important fact that the resolution is almost in the very words of the resolution adopted by the Virginia Convention.

In John Adam's Autobiography, speaking of the reasons which induced Congress to select so young a man as Mr. Jefferson to draw the declaration, he says: "Another reason was that Mr. Richard Henry Lee was not beloved by most of his colleagues from Virginia, and Mr. Jefferson was set up to rival and supplant him." Whether Lee was or was not popular with his colleagues, the recollection of the venerable patriarch of Quincy must stand for what it is worth; but that any unworthy feeling of rivalry between Jefferson and Lee operated in the choice of the former as the head of the Declaration Committee is disproved by the facts of the case. When the ballot for the committee took place, Mr. Lee had departed for Virginia on an indefinite absence; and it is well known that the declaration committee was appointed for the sake of despatch before the resolution of independence was adopted by Congress. The probability is that Jefferson owed his appointment partly to the fact that the resolution of independence was a Virginia measure; and partly to his reputation as a ready and graceful writer. The obvious truth is that Mr. Adams' "Frankfort" Platform (Works II, 512) is wholly illusory.

Curtis in his History of the Constitution of the United States (Vol. I, 116) has the following sentence: "The suppression of the royal authority throughout the colonies, *by virtue of the resolve of the Continental Congress passed on the 10th of May*, 1776, rendered necessary the formation of local governments, capable at once of answering the ends of political society, and of continuing without interruption the protection of law over property, life, and public order." How "the royal authority" may be said to have been "suppressed" by the passage of the resolution of the 10th of May does not seem clear to my mind. The resolution of the 10th of May was but a re-enactment of the resolution of Congress passed at the close of the previous year, which advised the colonies to form such a plan of government "as would most effectually secure good order in the province *during the continuance of the present dispute between Great Britain and the Colonies.*" The resolution of the 10th of May had no reference to the "suppression" of "royal authority" at all. Its plain and palpable object was to bring about such a state of things in the several colonies as to enable them to act with efficiency during the pending troubles. The Congress itself was far from being prepared to "suppress the royal authority" as early as the 10th of May. The debate on the resolution of independence shows that there was much reluctance among the members to declare independence. The fact is that Congress instead of giving the impulse to independence received it from the colonies. Before the resolution of the 10th of May could have reached Williamsburg, Virginia had met in her Convention, discussed the subject of independence, and instructed her delegates to propose it in Congress; and had appointed a committee to draft a declaration of rights and a plan of government for a free state. North Carolina had also "empowered" her delegates to vote for independence a month before the passage of the resolution of the 10th of May. This view of Curtis is mainly important as foreshadowing the theory of consolidation which may be broached in the second volume of his work which has not yet appeared.

the House of Delegates, who was nearly his equal in age,* who lived with him in the bonds of affectionate friendship, who acted in unison with him on all the great public questions of the third of a century, and who closed a life equally devoted to his country, and equally resplendent with genius and patriotism about the same period. It has been usual to represent PATRICK HENRY as an idle, vagrant boy, hating his book, sauntering in the woods, lolling on the bank of a stream with a fishing rod in his hand, and fond of the sports of the field. That he loved retirement and delighted in the active exercises of youth is doubtless true; but he errs greatly who supposes that the youth of such a man was wholly spent in idleness and folly. His father was a Scotchman and a teacher, and was so well versed in the Latin classics, that no less a judge than Samuel Davies pronounced him, Scotchman as he was, more intimately conversant with his Horace than with his Bible. As it is well-known that the Scotch teach their children Latin at an early age, it is probable that Henry was in his early youth skilled in the rudiments of that tongue.† He also studied mathematics of which he was fond. His quick apprehension placed him ahead of his fellows, and he could easily afford to spend in sport the time which others were compelled to devote in reaching a point to which he had already attained. At no time of his life, indeed, was he a reader of many books, but at no time of his life was he without some great work in history or morals which he read with unremitting care. The books which he read were those which were well designed to brace his mind, and to furnish it with knowledge adapted to the sphere in which he was destined to move. British history, his favorite Livy which he read again and again, Soame Jenyns, and Bishop Butler, whose Analogy was his standard book through life, constituted the food on which he fed. He remembered the remark of Hobbes, that, if he had read as many books, he would have been as stupid as other people. His speech in the parsons' cause showed that at that early period of his life he had been accustomed to arrange his thoughts with care and had studied the art of speaking with the strictest attention. What the lonely cave and the sounding surf were to Demosthenes were the rustling woods and the prattling

* Lee was four years older than Henry and died in 1794; Henry died in 1799.

† John Adams, in his Diary (Works vol. II, 396,) of the Congress of 1774, says that Henry told them that at fifteen he had read Virgil and Livy, but had not read a Latin book since.

streams to his modern rival. He belonged to a class of speakers now passing away, of whom Samuel Davies was an early and Archibald Alexander a later type, who had learned to arrange their thoughts in the strictest logical sequence without putting pen to paper, and who in the glow of public discussion infinitely transcended not only in fervor of fancy but in force of logic their private meditations. If any evidence were required to show his critical study of the English tongue, it will be found in his letters which are far more elegant than those of Pendleton and Wythe, and fully equal those of Lee. His farewell letter to the officers of the army, and his letter to the Convention accepting the office of Governor, written on the spur of the moment, are faultless models of what such letters ought to be. That the stern necessities of life, the labor of providing bread for a family the cares of which he assumed in his eighteenth year, prevented him from attaining that excellence of which he was capable, is certain; but in the greatest debates with his most able opponents he was never at a loss for arguments drawn from ancient and modern history to sustain his cause. Hence, too, that power which made him most formidable in reply; for he was enabled to see the historical facts pressed by his adversaries not merely in the light in which they were presented in debate, but in their connections with the facts which preceded and the facts which followed them. He was not a great lawyer in the technical sense of the word, nor would be ever have become one. His first step was a false one, and could not be retraced. He had not served an apprenticeship to the law; with her forms he was unfamiliar; he had taken up the profession late as the last resource for the sustenance of his family; and with this view he pursued it, distasteful as it was; resolved, as soon as he was able to live without it, to cast it aside. When, in the decline of life and in the midst of affluence, he engaged in the British debt cause, the industry and care with which he made his preparations prove what would have been his course had he embraced the law in early life, and had devoted to it his undivided attention. As a criminal lawyer he was confessedly at the head of his profession. He was not only not approached, but he was unapproachable. Even in civil cases, when the question was loosed from the fetters of special pleading, and involved a principle of common right or a principle founded on the law of nature and nations, of all the learned men at the bar of the General Court, none

could stand before him. That Robert Carter Nicholas on retiring from the bar committed his business to Henry, shows that so stern a judge of merit thought him not unequal to the duty assigned him.

But, however luxuriant and enduring are the laurels which he won in the disputations of the forum, he might have trodden them in the dust, and yet preserved a reputation which his proudest compeers might have sought in vain to rival. He was the SEER of the Revolution. He was the patriot-prophet of an era in the history of our race, if second to one great religious epoch, second to no political one, and in comparison with which the Revolution which placed William of Orange on the throne of Great Britain sinks into insignificance. The British Revolution was but the exchange of one king who refused to obey the laws of the realm for another king who consented to obey them. It was the exchange of one hereditary dynasty for another hereditary dynasty to be removed, if ever, by another Revolution. But the American Revolution was to teach a far more imposing lesson than any that could be drawn from a mere change of rulers. It taught, and will teach forever, that the people are the only legitimate source of power, that all government is a trust to be executed for the benefit of those who create it, that personal worth, and not the worth or want of worth of ancestors, is the true test of merit and the rule of honor, that all the children of the same parents are entitled to equal favor in the eye of the law, that the soil beneath our feet belongs to the living, not to the dead, and that man may worship God without the fear of man according to the dictates of his conscience. Nor are its facts less eloquent than its doctrines. A few sparse colonies on the eastern coast of the North American continent, mainly peopled by the Anglo-Saxon race, and dependent on the guardian care of a country that despised them, resolved to resist the tyranny that oppressed them, achieved their independence with the sword in a contest with one of the most powerful nations known in ancient or in modern times, established free systems of government, opened their ports to the active, the enterprising, and the oppressed of every clime, increased their population in a ratio unknown in the calculations of Europe, enlarged their territory to such an extent that it already reaches from the St. Lawrence to the Gulf of Mexico and from the Atlantic to the Pacific, and, to judge the future by the stern statistics of the past, if we measure a period of time ex-

tending from the passage of the resolutions against the stamp act to the present, and from the present to a point of time nearly equally distant in the future—a period the expiration of which the children of persons now living may behold—will possess a civilized population greater than was ever before gathered under a single government under the sun, and approaching the enormous number of three hundred millions of human beings! Such is the American Revolution, and of such an epoch PATRICK HENRY was the master spirit.

It is proper, however, to observe that even reflecting men are sometimes prone to draw unjust inferences from the respective parts borne by Henry and by his compeers in the preliminary stages of the revolutionary troubles. There is one point of view from which the course of both ought to be regarded, and it is the only point of view from which the consistency of both is fully apparent. Alone among all the statesmen of his time, Henry was, from the beginning of the contest, at heart in favor of independence. All his measures took a form in obedience to his main design, and, considered in this light, appear in perfect harmony. On the other hand, all his contemporaries without exception not only did not desire independence but eagerly sought an honorable reconciliation with the mother country. Mason, Peyton Randolph, Pendleton, Wythe, Bland, Nicholas, Jefferson, and others, were as late as 1775 in favor of a connection with Great Britain.* The Convention of July 1775 closed its sessions with an elaborate address to the people in which they "solemnly declare, before God and the world, that we do bear faith and true allegiance to his majesty George the Third, our true and lawful king." Hence the zeal with which Henry in the House of Burgesses pressed his resolutions against the stamp act, and in the March Convention of 1775 his resolutions for embodying the militia; and hence the zeal with which his compatriots opposed them. Both sets of resolutions, regarded as a means of forcing independence, were wise and proper; but, regarded as measures of policy proceeding from public bodies which had already adopted a series of measures deemed by them likely to attain the end in view, and which had not yet

* Journal Va. Convention July 1775, page 28; Mason to Mercer, Hist. Register Vol. II, 28; Jefferson to John Randolph, Works Vol. I; Pendleton's Autobiographical Sketch, &c., &c.

spent their force, were manifestly ill-timed and inconsistent. If the opinions of Henry had been embraced generally as early as 1765, the result would undoubtedly have been beneficial. The fatal policy of commercial non-intercourse with Great Britain would have been rejected, and the country in the beginning of hostilities, instead of being utterly destitute of all the munitions of war, would have been well supplied with the means of prosecuting the contest with becoming energy. Thus, judging from the result, while we admire the far-sightedness of Henry which led him to take at once the stand which his compatriots after ten years of humiliation were compelled to assume, we must be careful not to impugn the patriotism of those, who, starting from a different point, and having a different object in view, prosecuted their course with eminent wisdom and ability, until by the declaration of independence a common design and a common object brought all parties together.

The story of the life of Henry is so well known by the generous tribute which the genius of Wirt has paid to his memory, that we will hasten through our part. Our present purpose is simply to introduce him as he was up to this period, when, in his fortieth year, he took his seat in the Convention. His success in the House of Burgesses in 1765 in passing his resolutions against the stamp act was one of the most brilliant and decisive triumphs in parliamentary history. The resolutions themselves, written hastily as they were, are sketched with masterly ability, and show the point and grace with which he wielded his pen. The questions involved in them were beyond and above the common law, and were discussed by him with a force of argument and with a warmth of eloquence which solid planters and grave statesmen could not resist. The oldest and most learned lawyers of the colony quailed before a raw youth of nine and twenty, who had never before opened his lips in a deliberative assembly. Indeed all the external aids which impart dignity and authority to a public speaker on a great occasion were wanting to him. He was personally unknown to most of his audience. He was dressed in such a garb as no delegate from the Salt Lake, no delegate from the distant realm through which the Oregon rolls his tumultuous floods to the sea, would now wear in a public meeting; and he spoke to an assembly composed of men, some of whom

had been educated to the law in the Temple, others of whom were the cool and skillful debaters of an age when caste and birth and dress were more regarded than they are now or will be again. That his resolutions should have passed not only without the consent of such men, but in spite of their long, keen, and fierce opposition waged in a body in which they had previously for years exerted an unlimited sway, as it was the marvel of the past age, so it is the marvel now, and so it will be the marvel in time to come. On the afternoon of the day on which he offered his resolutions, he might have been seen passing along that street on his way to his home in Louisa, clad in a pair of leather breeches, his saddle-bags on his arm, leading a lean horse, and chatting with Paul Carrington who walked by his side.*

His speech ten years later in the Convention of March 1775 on his resolutions for organizing the militia was the second great triumph which he achieved in the public councils. Some portions of his speech in their defence, preserved in the memory of those who heard it, are still extant, and exhibit a force of argument and a beauty of expression so finely blended, that, after a lapse of eighty years, they still form the delight of the young and the admiration of the old.†

Nor was the influence of HENRY, as has been too generally believed, confined to public debate. He was as effective in the committee-room as on the floor of the house. In both spheres his honesty and intrepidity were the sources of his success. Every body saw that he was sincere, and that he did not belong to a class not uncommon in revolutions, who are disposed to cling to the powers that be with one hand, and to the people with the other. There was something fascinating in the boldness with which he planted himself on the extreme frontier of the public rights, and with which he hurled defiance at the parliament and at the throne. Yet such was his wisdom and ability in council, that so competent a judge as George Mason, who in passing through this city in the spring of 1774 was invited to the consultation of the leading patriots, declared in a letter written at the time and recently brought to light,

* Carrington Memoranda. Paul Carrington distinctly remembered seeing Mr. Jefferson among the spectators in the debate on Henry's resolutions.

† Although it may well be doubted that much of the speech published by Wirt is apochryphal, some of its expressions and the outline of the argument are believed to be authentic.

that "he was not only the most eloquent speaker he ever heard, but that his eloquence is the smallest part of his merit. He is in my opinion the first man on this continent as well in ability as in public virtues, and had he lived in Rome about the time of the first Punic war, when the Roman people had arrived at their meridian glory, and their virtues not tarnished, Mr. Henry's talents must have put him at the head of that glorious commonwealth."* If every other record of the worth of Henry were obliterated, this letter of George Mason would stamp immortality upon his name.

When Henry took his seat in the Convention as a delegate from Hanover, he may be said to have appeared under a cloud. He had recently thrown up his commission as colonel of the first regiment, and, as such, commander of the forces of the colony, and he was in the midst of men who had inflicted what some were inclined to deem an indignity upon him. Pendleton was in the chair, and in different parts of the house were Mason, Carrington, Digges, Mercer, Tabb, Jones, Bland, Ludwell Lee, and Cabell of Union Hill. Thomas Walker alone of the Committee of Safety was absent. Of the state of affairs which impelled him to resign his post I have already spoken at length;† and it may be doubted whether he possessed those qualities which make a wary partizan, and which are so often possessed in an eminent degree by uneducated men. Regular fighting there was none in the colony, until near the close of the war. But, if Henry did not possess those qualities, it was because he possessed others of a higher kind with which they were in some degree incompatible. The most skillful partizan in the Virginia of that day, covered as it was with forests, cut up by streams and beset by predatory bands, would have been the Indian warrior, and, as a soldier approached that model, would he have possessed the proper tactics for the time. That Henry would not have made a better Indian fighter than Jay, or Livingston, or the Adamses, that he might not have made as dashing a partizan as Tarleton or Simcoe, his friends might readily afford to concede; but that he evinced, what neither Jay, nor Livingston, nor the Adamses did evince, a determined resolution to stake his reputation and his life on the issue of arms, and that he resigned his commission when the post of imminent danger was

* Letter of Mason to Cockburn, Va. Hist. Register, Vol. III, 27.
† Under the head of Pendleton.

refused him, exhibit lucid proof that, whatever may have been his ultimate fortune, he was not deficient in two great elements of military success; personal enterprize and unquestioned courage.

The face of Henry is known from the portrait by Sully, and Sully's portrait, though copied from a miniature corrected by the recollections of friends, is thought a fair likeness; yet it is proper to say that I have often heard from one of his contemporaries who knew every feature of that magical face, and who had seen the likeness of Sully, that there was a more striking resemblance between the face of Henry and the face of Capt. Cook the navigator than between the face of Henry and that of the portrait by Sully.* He was always plain in his dress, and disliked changes in the fashions. "Here," said he to a friend, holding up his arm and displaying the sleeve of a coat the worse for wear, "here is a coat good enough for me; yet I must get a new one to please the eyes of other people." His tastes were simple. He loved the old dishes which he had seen served from infancy on his father's plain board, and was not indisposed to associate a love of the standard dishes of the country with a love of the country itself. When he heard that Mr. Jefferson, recently returned from France, had introduced a number of French dishes into his cuisine, he talked harshly about a man's "abjuring his native victuals." In later life as in his younger days, he was always accessible by those who sought him. He was wont to tell with great zest an incident that happened in the yard of Prince Edward Court House just before leaving the county to take his seat in the federal Convention in Richmond. An old fox-hunter gave him a sharp tap on the shoulder, and said to him: "Old fellow, stick to the people; if you take the back track, we are gone."

If Henry at the beginning of the session of the Convention was under a cloud, he was to appear before its close in his true light as the herald of the Revolution. On the twenty-ninth of June that body adopted the constitution and immediately proceeded in pursuance of its provisions to elect a governor. On counting the ballots it was found that Henry had received a large majority, and he

* Such was the opinion of Col. C. Carrington and, I am told, of Judge Marshall. It may be well enough to say that the portrait of Sully is at Red Hill, and that a fine copy of it has been presented to the Va. Historical Society by the distinguished artist and now graces its hall in Richmond.

was declared duly elected.* By a resolution of the body the palace was assigned as his residence, and he was soon installed in the building which Dunmore had deserted, which had long been the abode of the vice-gerents of kings, but which now gained a greater glory than it had yet known as the residence of the first Governor of the Commonwealth of Virginia—and that Governor the master-spirit who in the senate was the first to assail the supremacy of the British king, and to incur the bitter hatred of his adherents; who was the first to draw his sword in defence of the rights of his country and to equip her armies for the field, as he was the first to command them; and who was among the first to propose independence and to form that system of government of which he was the first Chief Magistrate.†

In all great movements of the public mind in governments whether free or despotic, it rarely happens that the chief glory belongs to a single individval. It would seem, as if, by a special design of Providence, to repress the promptings of ambition, that particular provinces of duty are assigned to particular persons, who reap indeed individual honor and reputation by a display of their genius and worth, but whose blended glories, instead of encircling a single head, are made to constitute the moral capital of the new system. Such was the case in the Revolution. Indisputable as was the pre-eminence of Washington in the field, even in the field he had co-adjutors worthy of the cause in which he was engaged; and there were duties to be performed quite as urgent as those committed to him, which were wholly beyond his reach, and from which his modesty would instantly have shrunk. To confine our views to Virginia: It would seem difficult to have assigned any two other persons to the spheres which before and during the Revolution were so ably filled by Pendleton and Wythe; yet there were spheres beyond the ability of Pendleton and Wythe as well as of Washington, which it was indispensable to the success of

* The vote was for Henry 60, Thomas Nelson 45, John Page 1.

† I have alluded to the friendship which existed between Henry and R. H. Lee. In spite of a wide difference of opinion on measures of local legislation, each advocating his own views with great earnestness in debate, they were warm personal friends. Lee, while a member of the Senate of the United States, closes a letter to Henry with these words: "I am with the most cordial regard and esteem, dear sir, your most affectionate friend and servant." Henry's salutations were equally cordial and affectionate. See the letters of Lee and Henry at Red Hill.

the common cause to be adequately filled. Hence, as by a divine impulse, Richard Henry Lee and Patrick Henry appeared on the stage. Such was the dignity of the parts which they played in that superb drama, that the historian, who should write an account of the Revolution and slight their names, would as little deserve our respect as the historian, who, in describing the English Commonwealth, should overlook the names of Hampden and Pym, or who, in reviewing the literature of the age of Elizabeth or the age of Cromwell, should omit the name of the author of Macbeth, or of the author of Paradise Lost. Yet there were other parts to be performed of equal if not greater importance than theirs, which neither Pendleton, nor Wythe, nor Washington, nor Lee, nor Henry could have performed as well, but which were performed with such skill and wisdom as to overawe us at this distance of time, and which fills us with a spirit of thankfulness to the Ruler of Nations when we contemplate the characters and pronounce the names of GEORGE MASON and THOMAS JEFFERSON.

Both were members of the Convention now sitting. Mason, who was seventeen years older than his compeer, had attained his fiftieth year, and though his once raven locks were touched with grey, and he had just recovered from a smart shock of an hereditary disease,* appeared in the vigor of manhood. He was nearly six feet high, of a large and sinewy frame, and an active step and gait. The love of his gun and of the sports of the field kept his limbs in fine play. He was one of the most systematic, most extensive, and most successful planters in the colony, shipping to England from his barn-yard wharf at Gunston, his splendid seat on the Potomac, his crops of tobacco, and receiving thence her manufactures in return. Exposure had deepened the tints of a light brown complexion; and it was impossible to behold his athletic form and his grave face lighted up by a black eye which burned with the brightness of youth, without a feeling of respect approaching to awe. His bearing was in the highest degree courteous but lofty, and he seemed at first sight to belong to that class of which Washington and Andrew Lewis were members—men of such high and noble qualities and of such august presence as rather to command the admiration of the beholder than

* See his letter to R. H. Lee, dated May 18, 1776, in the archives of the Va. Historical Society, wherein he says that he has just recovered from a fit of the gout.

to quicken the gentler feelings of affection and love. Yet no man was more sensible of the warmest emotions of friendship, as I have heard from those who knew him, and as his letters to his contemporaries strikingly show. His portrait, which long adorned the hospitable mansion of Analosta, may still be seen at Clermont.* As you look upon it, you perceive that his dark eyes have that peculiar expression, half sad, half severe, which is seen in the eyes of the painter Giotto, the shepherd boy, whom Cimabue found in the recesses of the Alps tending sheep, and who, when, like Mason, he was summoned from his forest home, like Mason, made an era in the history of his art.

In Mason those titles to the public confidence, which were severally held by others, were united in a remarkable manner. He was, as before observed, a large and prosperous planter, possessed of great wealth hereditary and acquired. He had never been a member of the House of Burgesses, and was free from the entanglements, political and personal, of party and passion in which some of the leading patriots for the past ten years had been deeply involved. He had never sought office, and would have declined a seat in the Council, the brilliant prize of colonial ambition, had it been offered him. Not a lawyer by profession, he was yet thoroughly skilled not only in general history, but especially in the political history of England. He had been educated in the colony, probably at this college, and, like Washington, had never been abroad; but from an early period of life devoting his leisure to study, he had become so deeply versed in the knowledge of our early charters and in the lore of the British constitution, that, in the midst of men whose lives had been devoted to law, his opinions on a great political question had almost a conclusive authority. As if no means of usefulness should be wanting to this extraordinary man, he was as much distinguished by his ability in debate as by his wisdom in council. Nor do his eminent abilities in discussion rest on tradition. His merits as a speaker are avouched by Mr. Jefferson in the strongest terms, and an equally competent judge, who had often beheld his forensic exhibitions, and who had encountered him in the greatest parliamentary discussion of that age, the cool and critical Madison, pronounced him the ablest man in debate whom

* A copy from an original which was destroyed by fire. Clermont is the seat of the widow of Gen. John Mason.

he had ever seen.* There was another title to consideration, which, trifling as it may seem in our eyes, exerted no contemptible influence on the aristocratic society of the colony. On the score of birth his position was of the highest. His ancestor, whose name he bore, was a member of parliament in the reign of Charles the First, and though, like Hyde and Falkland, intent on effecting important amendments in the existing system, did not seek an overthrow of the monarchy, and, like Hyde and Falkland, on the appeal to arms adhered to the king. He organized a military corps, and in several engagements had crossed swords with the troopers of Cromwell, and had emptied his holsters at his warlike saints. From 1651, when George Mason, the eldest, flying from the field of Worcester, arrived in Hampton Roads, to the period of the Revolution, the Masons had exerted either in the House of Burgesses or at home great influence in the colony.†

* Mr, Jefferson's personal Memoir in the first volume of his works, and the letter of St. George Tucker to Wirt in Kennedy's Life of Wirt, heretofore quoted.

† As stated in the text, George Mason, the eldest, reached the Colony of Virginia and landed in Norfolk county in 1651, and was soon after followed by his family. He immediately removed to Acohick creek on the Potomac near Pasbitaney, and settled a plantation there, on which he resided during his life, and is there buried. In 1676, the year of Bacon's Rebellion, he commanded a volunteer force against the Indians, and represented the same year the county of Stafford in the House of Burgesses. Stafford had been carved out of Westmoreland the year before, and was so named by Col. Mason in honor of his native county of Staffordshire in England. His eldest son, also called George Mason, married Mary, daughter of Girard Fowke esq. of Gunston Hall in Staffordshire, England. The eldest son of this marriage also bore the name of George Mason, the third of the name, and with his father lived and was buried on the patrimonial estate of Acohick. Their wills are of record in Stafford County Court in 1710 and 1715 respectively. George Mason, the fourth in descent, eldest son of George last named, married a daughter of Stevens Thomson of Middle Temple, Attorney General of the colony of Virginia in the reign of Queen Anne. He established a plantation at Doeg Neck on the Potomac on land which he inherited, then in Stafford, now in Fairfax county, and was the "Lieutenant and chief Commander" of the county of Stafford in 1719. He was drowned by the accidental upsetting of his sail-boat in the Potomac, and his body having been recovered was committed to the grave at Doeg's Neck. He left three children, two sons and a daughter. Of these sons one was the George Mason of the Virginia Convention, and the other was Thomson Mason, hardly less celebrated than his brother, who settled in Loudoun, was frequently a member of the House of Burgesses, an eminent member of the bar, and a warm friend of his country. Thompson Mason was a martyr to the gout, and it is one of the earliest recollections of Gov. Tazewell to have seen him borne into court while suffering from that disease. His son Stevens Thomson Mason was a member of the Virginia Federal Convention, and was a senator of the United States, and had a son, Armistead Thomson Mason, who was also a senator of the United States from Virginia.

The George Mason of the text, the fifth of the name, was born at the plantation of Doeg's Neck, which he inherited, in 1726, married Ann Eilbeck of Charles county, Maryland, and built a new mansion on the high banks of the Potomac

Nor were these his only recommendations to the public regard. From the dawn of the contest with the mother country, though deeply attached to the Hanover family, and averse from independence, he planted himself firmly and fearlessly on the extreme limit of colonial right, and proclaimed his determination to maintain his ground at every hazard. When the merchants of London addressed a public letter to the planters of Virginia on the repeal of the stamp act, Mason gave it a calm and deliberate answer, defending the position maintained by the colonists in a masterly manner, and concluding with these monitory words: "These are the sentiments of a man who spends most of his time in retirement, and has seldom meddled in public affairs; who enjoys a moderate but independent fortune, and content with the blessings of a private station, equally disregards the smiles and the frowns of the great."*

When the right was subsequently asserted by Parliament to tax the colonies "in all cases whatsoever," Mason wrote a tract with the modest title of "Extracts from the Virginia Charters with some remarks upon them," which was regarded as an unanswerable exposition of colonial rights under the charters, and which proved a rich mine of authority in the controversy then waging between the king and the colonies. What gave additional force to the productions of Mason's pen was the modest and conservative character which he uniformly maintained. He cherished no love of change. He openly expressed just before the appeal to arms his attachment to the House of Brunswick, and insisted on the importance of a co-

near the river, which he called Gunston Hall, in honor of the seat of his maternal ancestry in England. Here he lived, and here on the 7th of October, 1792, in the 66th year of his age, he died, and was buried. A plain marble slab marks his grave, and has engraved upon it his name and the date of his birth and death. The estate of Doeg's Neck, afterwards Gunston Hall, consisted of seven thousand acres, and lies on the Potomac next below Mount Vernon, This venerable patriot left five sons and four daughters. Of the sons, George, the eldest, was a captain in the Virginia line of the Revolution, and inherited Gunston Hall, where he lived and was buried, leaving descendants. The fourth son was the late Gen. John Mason of Analosta Island, who survived all his brothers, and died at his estate at Clermont in Fairfax County in March 1849 in the 83rd year of his age. The Hon. James Murray Mason, one of the present senators of Virginia in Congress, is a son of Gen. John Mason, and is the third of the name and race that has filled a seat in the Senate of the United States. All the sons of George Mason left descendants. It has occurred to me that the account of Bacon's Rebellion by T. M. was written by George Mason the eldest, the T. being a misprint for G., or used designedly, as may have been other things in that account.

* This answer was published under the signature of a Virginia Planter in the London Public Ledger of 1766.

lonial connexion with Great Britain. Writing to a friend in England in 1770, when he had recited in the strongest terms the injuries which England had inflicted on the colonies, and had indignantly denied the imputed design of ambitious men to separate from the parent country, he added: "There are not five men of sense who would accept of independence, if it were offered. We know our circumstances too well; we know that our happiness, our very being, depends upon our connexion with the mother country. But we will not submit to have our money taken out of our pockets without our consent; because if any man, or any set of men, take from us without our consent or that of our representatives, one shilling in the pound, we have no security for the remaining nineteen." When we reflect on the Indian wars from 1756 to the beginning of the Revolution, and their cost in blood and treasure to the colony, and recall the disastrous defeat of two gallant armies of Washington against the western Indians; and when we also recall the cherished design of France and Spain to encroach on our frontier, and the defenceless condition of the colonial export and import trade, we may easily imagine how important in the eyes of a reflecting colonist would be an honorable connexion with the greatest military and maritime nation of the globe. And here the lesson should not be overlooked, and which the present generation may wisely heed, how readily a mighty empire bound together by the nearest and dearest ties of blood, of affection, of a common language, and of a common faith, and of all the precious recollections which more than ten centuries had clustered about the British name, may be rent asunder by passion and pride seeking a contest, which, if successful, could bring no laurels unmoistened in fraternal blood, but which, if lost, would entail never-ending hate between ancient friends and a perpetual separation.

The measures adopted from time to time by the House of Burgesses in the early stages of the colonial troubles received a firm and cordial support from Mason. It was at a meeting of the people of Fairfax on the eighteenth of July, 1774, that he may be said to have made his first great movement on the theatre of the Revolution.* The affairs of the northern colonies were approaching a

* Although this was the first public appearance of Mason, he had been active in conversation and with his pen at a much earlier period. The articles of Association adopted at the Raleigh after the dissolution of the House of Burgesses

crisis, and our own horizon wore a threatening aspect. Washington took the chair, and Mason presented a series of resolutions which must always hold a conspicuous place among the records of the times. They were twenty-four in number, and not only embraced a statement of the case in hand, but presented the means and measure of redress. They reviewed the whole ground of controversy, recommended a Congress of the colonies, and urged the policy of non-intercourse with the mother country. These resolutions were transmitted to the first Virginia Convention which held its session in this city in the following August, and were sanctioned by that body; and substantially adopted by the first General Congress on the twentieth of the following October.* The policy of these resolutions was wisely adjusted to the existing public sentiment, and united all parties on a common ground of resistance. They were decided and thorough, and were calculated to enlist the commercial interests of Great Britain on the side of the colonies; but they pointed to reconciliation, not to Revolution. Had the colonists aimed at independence, the sagacity of Mason would have devised other measures more plausible and effectual for such a purpose. A prudent British ministry might yet have honorably interposed with success, and saved the integrity of the British empire.

Such was the modesty of this eminent patriot, and such his love of domestic life, that it was with difficulty he was persuaded to en-

in 1769 were from his pen. As he was not a member of the House and was not present in the city of Williamsburg when the articles were adopted, on the spur of the moment, I doubted his claim to their authorship; but it is now certain that the articles were brought to the city by Washington who is said to have offered them to the meeting. There were some slight additions, which may be seen in Writings of Washington Vol. II, 356, note. The articles themselves may be seen in Burk, Vol. III, 345, note, and are signed by the following gentlemen, who were also members of the present Convention:

Robert Carter Nicholas, Richard Bland, Archibald Cary, Richard H. Lee, P. Henry, Henry Lee, N. Terry, Thomas Whiting, T. Jefferson, T. Nelson jr., Champion Travis, John Blair jr., James Scott, Wilson Miles Cary, Willis Riddick, John Woodson, Abraham Hite, Francis Peyton, James Wood, Edwin Gray, David Mason, Paul Carrington, William Cabell, Henry Taylor, Robert Rutherford, Charles Lynch, Wm. Clayton, Lewis Burwell, Thomas Johnson, William Acrill, Richard Lee, Southey Simpson, and Peter Poythress. For the rest of the names, among which are those of Peyton Randolph, Washington, Isaac Read, Richard Baker, &c., see Burk quoted above.

Mason in a letter to Washington (Writings of Washington, Vol. III, 354,) says that he had begun an address to the people which the weakness of his eyes compelled him to put aside. Whether it was finished or not, I cannot affirm.

* See American Archives for 1774, Vol. I, Fourth Series; also Sparks, Writings of Washington Vol. II, 488, Appendix No. 9.

ter on a public career. He had never been a member of the House of Burgesses, and it was not until the meeting of the Convention of July, 1775, that he appeared in the public councils. He had been returned in the place of Washington, who had been deputed to Congress, and the county of Fairfax may dwell with becoming pride on the recollection that, when her Washington was engaged in the public service abroad, she could substitute a Mason in his stead. Though not a member of the Convention of the previous March, he had approved the resolutions of Henry adopted at that session for putting the colony in a posture of defence, and now sustained a resolution of like nature, which provided "that a sufficient armed force be immediately raised and embodied, under proper officers, for the defence and protection of the colony," and which resulted in the organization of the two first Virginia Regiments. We know from one of his letters* that this committee began its labors at seven in the morning, and sat until the meeting of the Convention, which body rarely adjourned before five oclock. After a slight refreshment the committee again resumed its work, not retiring till ten.

He was elected by the Convention a member of the Committee of Safety, his name standing on the list second only to that of Pendleton. At an early period of the session he was pressed to accept a seat in Congress, but he declined going abroad. Later in the session, on the retirement of Col. Bland, he was urgently solicited by Pendleton, Henry, Carrington, and others to go to Congress, and was put in nomination; and when he rose in his place to assign his reasons for declining the appointment, tears were seen to flow from the eyes of Peyton Randolph, who presided in the body.† The Convention adjourned on the twenty-ninth of August, closing its labors with a formal "Declaration" addressed to the people, possibly from his pen, "setting forth the causes of their meeting, and the necessity of immediately putting the colony into a posture of defence, for the better protection of the lives, liberties, and properties" of the people, and leaving the administration of the government in the hands of the Committee of Safety.

* Mason to Cockburn in the Va. Historical Register, heretofore quoted.

† An affecting account of the scene may be read in the letter of Mason to Cockburn, dated August 22, 1775, in the Virginia Historical Register. The cause of his declining was the recent death of Mrs. Mason, who left five sons and four daughters.

The duties of the Committee of Safety have already been detailed at length.* Suffice it to observe, that it was the supreme executive of the colony in a time of civil war, and demanded of those who composed it the first order of wisdom, courage, and virtue. For such a station no man living was better qualified than Mason; and he is entitled to a full share of the credit earned by that patriotic body.

It was, however, in the Convention now sitting, that Mason laid the deep foundations of his imperishable fame. The body met on the sixth of May; but it was not until the eighteenth that Mason, who had been detained by a fit of the gout, took his seat. The resolution instructing the delegates of Virginia in Congress to propose independence had been adopted three days before, when the Committee to prepare a declaration of rights and a plan of government was appointed.† But he was immediately placed on that committee. That it should have fallen to the lot of Mason, who came so late into a committee consisting of so many eminent men, to draft the declaration of rights and the plan of government, is a signal demonstration of his character, and displays the universal confidence reposed in his judgment and abilities. On the day of his arrival he was also assigned to the committee of Propositions and Grievances, to the committee of Privileges and Elections, and to a select committee already organized for the encouragement of the making of salt, saltpetre and gunpowder. When it is remembered that but a small proportion of the members by ancient parliamentary usage was placed upon committees, and that Mason, though arriving late, was immediately placed on all the important ones, a striking proof is presented of the estimation in which he was held by his contemporaries at this early stage of his career. The ordinance establishing a general test was drawn by him.

The declaration of rights was reported by the select committee to the house on the twenty-seventh day of May, and on the 12th of

* In the sketch of Pendleton.

† It would seem that the resolution proposing the instructions in favor of independence, though nominally unanimous, had some opponents in the house. Mason, writing to R. H. Lee on the 18th of May, 1776, says: "The opponents being so few that they did not think fit to divide, or contradict the general voice." See the letter in the archives of the Historical Society. In the same letter he says of the preamble to the resolution, that "it is tedious, rather timid, and in many instances exceptionable."

June "the Declaration of Rights made by the good people of Virginia, assembled in full and free Convention,—which rights do pertain to them and their posterity as the basis and foundation of government," was adopted by an unanimous vote.

Posterity will rejoice that the drafting of the Declaration of Rights devolved on George Mason. The texture of his mind was essentially republican. When the dominion of the crown was overturned, of all our distinguished statesmen, Jefferson and Mason seemed most at home on the new and difficult ground which they were treading. With the history of England Mason was familiar; and he knew the landmarks of every concession in favor of liberty from Magna Carta to the revolution which placed William and Mary on the British throne. No person who had not studied English history in the spirit of a philosopher and a statesman could have written the Declaration. It has been compared to the Petition of Right; but it is altogether a paper of a far higher order of merit. The Petition simply enumerates the laws of the land which had been violated, and prays that the laws aforesaid shall henceforth be observed; but the Declaration of Rights lays down the principles on which all good government ought to rest. The difference between the Petition and the Declaration is the difference between the scheme of an architect who proposes a plan for the repair of a particular structure, and the scheme of an architect who prescribes the principles on which all structures should be reared and kept in constant repair. The same remark applies with equal force to the Declaration of Rights adopted by the Convention which called William and Mary to the throne. That celebrated instrument, so fit to effect the object in view, is a mere recapitulation of the acts of misgovernment which rendered a revolution necessary, and a formal declaration that the principles which had been wantonly violated by the deposed king were among the ancient rights and liberties of England. No new franchise was acquired by the people. There was not a curb placed on the kingly prerogative which had not existed before. The omnipotence of parliament was unassailed. It was wholly historical and retrospective in its scope. The Virginia Declaration was eminently prospective. It marked out the rules by which the entire fabric of government should be framed and controlled: rules which bound with equal severity the legislative, the judicial, and the executive departments. It is a cu-

rious illustration of the supremacy accorded to genius in great conjunctures, that the British Declaration of Right and the Virginia Declaration of Rights were written by men who had recently taken their seats for the first time in deliberative assemblies which were composed of the oldest and ablest statesmen of their respective periods. When Somers drafted the Declaration of Right, he had spoken in the House of Commons for the first time only ten days before, and the parliamentary experience of Mason was hardly more extended. When we reflect, however, that Somers was an able lawyer, deeply versed in constitutional learning; that he lived in a country the proudest honors of which were approached most readily by the law; that he had lately been engaged in the most interesting state trial of that age, in the course of which the prerogative of the king had been keenly scanned; and that, while he was writing, his powers were quickened and his spirits cheered by the contemplation of that coronet which he was winning and which he was soon to wear; and that Mason was a planter, untutored in the schools, whose life now verging to its decline had been spent in a thinly settled colony which presented no sphere for ambition; that he had never moved beyond the sound of the rustling leaves of his native woods or the ripple of his native stream; and that he was so devoted to his home that it was with difficulty he could be persuaded to forsake for a season the solitudes of Gunston Hall, the genius of the Virginian appears in bolder relief when contrasted with the genius of his illustrious prototype.

The Virginia Declaration of Rights is, indeed, a remarkable production. As an intellectual effort, it possesses exalted merit. It is the quintessence of all the great principles and doctrines of freedom which had been wrought out by the people of England from the earliest times. To have written such a paper required the taste of the scholar, the wisdom of the statesman, and the purity of the patriot. The critical eye can detect in its sixteen sections the history of England in miniature. That it should have been thrown off by a planter hastily summoned from his plough to fill a vacancy in the public councils; who was not a member of that profession the pursuits of which bring its votaries more directly than any other into contact with the principles of political liberty; and who performed his work so thoroughly that it has neither received nor required any alteration or amendment for more than three-

fourths of a century, fills the mind with admiration and grandeur. Nor has it attained its present excellence by the aid of the committee by which it was reported, nor of the committee of the whole house to which it was referred. With the exception of the first article, which was amended, as I have heard at second hand from a member of the select committee, by the insertion of the words: "When men enter into a state of society," it was approved very nearly as it was written.* By the two Conventions of the state which have asembled since it was adopted, it has been ratified without note or comment. It received the applause of the generation which hailed its birth, and of those generations which have passed away, and will receive the applause of those to come. Its great doctrines, as before observed, are the paramount doctrines of British freedom. Some of its expressions may be gleaned from Sidney, from Locke, and from Burgh; but when Mason sat down in his room in the Raleigh Tavern to write that paper, it is probable that no copy of the Reply to Sir Robert Filmer, or of the Essay on Government, or of the Political Disquisitions, was within his reach.† The diction, the design, the thoughts, are all his own. Nor does its beauty or its worth suffer in comparison with similar productions carefully prepared at a later day. The bill of rights, adopted by Massachusetts three years afterwards, contains most of its articles evidently copied with a servile though able hand; but cannot vie in point and in elegance with the paper from the pen of Mason.

Nor does the glory of the Declaration of Rights of the twelfth of June by the Virginia Convention yield to the glory of the Declaration of Independence of the fourth of the following July by the General Congress. In an intellectual view, it occupies a far loftier position. It stands without a model in ancient or in recent times. It is the philosophical embodiment of the elemental principles which lie at the foundation of society, and which, gathered from the universal experience of man, and refined in the alembic of a mighty mind, are digested and expressed with a distinctness and with a severe simplicity intelligible alike by the young and the old, by the unlettered and the wise. The Declaration of Independence

*Carrington Memoranda. Mason says in a letter to a friend in Europe, published in the Historical Register, that the amendments rather injured than improved it.

† An American edition of Burgh had appeared the year before, and it was a favorite book with all our early statesmen. Mr. Jefferson delighted to praise it.

is mainly a detail of wrongs so sensibly felt as to justify a change of government, and therefore easily enumerated, which required as little argument as research, and the supreme merit of which is that a plain tale, which, if badly told, might have made a slight impression on the age, has been adorned with all the graces with which genius could invest it. It is not in dispute whether Jefferson could have written the Declaration of Rights as well as Mason did write it, nor whether Mason could have written the Declaration of Independence with the grace of Jefferson. It is whether the Declaration of Rights, as a work of intellect, is not a paper of a far higher character than a mere Declaration of the reasons however well put forth, which impelled the colonies to separate from the mother-country, and to assume independence. One is the admirable work of the political philosopher; the other is the chaste production of the elegant historian; and, as to perform a noble act is more glorious than to record it, so is philosophy of higher dignity than history, and the Declaration of Rights than the Declaration of Independence. It is the merit of Mason and Jefferson that both in their respective spheres performed their office in such a manner as to call forth the gratitude and admiration of their country; while it is apparent to the reflecting observer that the noble qualities of mind and statesmanship exhibited by Mason in the Declaration of Rights far surpass those exhibited by Jefferson in the Declaration of Independence.*

On the twenty-fourth of June, Archibald Cary reported the plan of government, which was read by the Clerk the first time, and ordered to be read a second time. On the twenty-sixth, it was read a second time, and referred to the committee of the whole. It was discussed on the twenty-seventh, and on the twenty-eighth the plan was reported to the house with amendments which were severally concurred in, and the whole was ordered to be transcribed, and read a third time. And on the twenty-ninth of June, 1776, the first constitution of Virginia, which was the first written constitution of a sovereign state known among men,† and which was destined to diffuse

* A copy of the original Declaration as presented to the Committee in the handwriting of Mason may be seen neatly framed in the library of Virginia.

† Curtis in his history of the Constitution of the United States (Vol. I, 139) has the following sentence: "The Student of American constitutional history, therefore, cannot fail to see, that the adoption of *the first written constitution* was accomplished through great and magnanimous sacrifices." If the term "the first written constitution" be understood in the sense of the first form of gov-

prosperity and happiness among the people for more than half a century, and long after those who framed it, with one illustrious exception, had passed away, was adopted by an unanimous vote. The preamble was written by Mr. Jefferson, who transmitted it to Williamsburg, but the main body of the instrument was the work of Mason.

Unfortunately the mode of procedure in the select committee which reported the constitution has not come down to us; but we are able to form very definite and conclusive conjectures upon the subject. It would seem that the modern method of offering distinct propositions in the form of resolutions, as in the Convention which formed the federal constitution and in our subsequent Conventions, had not then been adopted; but the general outline of the proposed plan of government was presented at once. Two of these schemes have reached us: the plan of Mr. Jefferson which from its late presentation was not formally acted upon, and the plan of Mason, which with amendments in its details was finally adopted. To show the peculiar merit of Mason's plan, it should be observed that the task of the select committee was to prepare a plan of government, and it was quite within the range of its powers to have reported a system nearly equivalent to the British constitution. In the British government the power of parliament is supreme. It may limit the succession to the crown. It may displace the king, and consign him to the scaffold. There is no superior law, fairly recorded and exposed to view, which limits its powers, and by a reference to which its acts may be measured. The importance of such a rule for the ordinary legislature was apparent to Mason, and he was the first to prescribe it. The three great departments of government were nominally distinct and independent in the British constitution; but it is to the wisdom of Mason that we owe the great American principle, that the legislative, the most dangerous of all, should be bound by a rule as stringent as the executive and the judicial. Nor does the form of a constitution, as appears to be a matter of course at the present day, necessarily imply such a limitation of the legislative department. Even in a republic the legislature

ernment of the United States, which may be its fair and proper meaning, it is well enough; but if he meant to convey the impression that the Articles of Confederation, which were not adopted until 1781, were the "first written constitution," it is plain that the constitution of Virginia preceded the Articles of Confederation nearly five years in point of time.

might still have been supreme. It is therefore the peculiar honor of Mason that he not only drafted the first regular plan of government of a sovereign state, but circumscribed the different departments by limits which they may not transcend. This was the second great trophy won by the genius of Mason in the Convention now assembled.

The day after the adoption of the constitution, the Convention in pursuance of its provisions, proceeded to elect a Governor and Council, and deputed Mason at the head of a committee to inform Patrick Henry of his election as chief magistrate of the Commonwealth. He was appointed chairman of the committee to draft the oaths to be taken by the Governor and Council; and it is not unworthy of notice, as showing the confidence of the body in his judgment and abilities, that on purely legal subjects he was placed at the head of committees consisting of the ablest lawyers. That he was subsequently appointed a member of the celebrated committee of Revisors is known to all.

The last duty assigned him by the Convention was to assist in the preparation of a seal for the new Commonwealth.* Under the regal government the coat of arms of Virginia was one of the most imposing in the colonies. Two knights clad in armor supported a shield on which were quartered the emblems of England, Scotland, Ireland and France; and beneath the shield was the honorable motto: *En dat Virginia Quartam!* Surmounting the shield was the half statue of Pocahontas.

The design adopted by the committee was not less fortunate in conception nor less striking in execution than the royal effigy which

* The Committee consisted of R. H. Lee, Mason, Nicholas, and Wythe. Three designs appear from Girardin (IV, Appendix) to have been before the Committee: one from Dr. Franklin, another from M. de Cimatiere of Philadelphia, and the one ultimately adopted, which Girardin, without naming his authority, ascribes to Mr. Wythe. Its designs are taken from Spence's Polymetis. Mason reported the design of the present seal to the House, on the eve of the adjournment. See Journal of the Convention of May 1776, page 86. As some discussion has taken place in the Va. Historical Register about the motto inscribed on the old stove,—"En dat Virginia Quartam;" one of the writers contending that it should have been "En dat Virginia *Quintum*;" it may be well enough to say that the last named motto was the one originally taken on the settlement of Virginia, and may be found in the early London editions of Capt. John Smith's work and as late as Beverly; but at a subsequent period the first named was substituted in its stead, and was usually prefixed to the title page of the Acts of Assembly. The acts for the tenth year of George the Third in folio, printed by William Rind, are now before me, and contain the coat of arms with the motto: En dat Virginia *Quartam*.

it was designed to supersede. The figure of Virtue, erect and triumphant, resting on a spear with one hand, and holding a sword in the other; treading on a tyrant whose crown has fallen from his head, and in whose left hand is a broken chain and in the right a scourge; with the motto: *Sic semper Tyrannis;* tells with graphic fidelity not only the story of our independence but the simple majesty of the men who portrayed it on the standard of our country. It was Mason who reported to the Convention this device for the ensign of Virginia, and whose fame will ever float in its folds. So long as Virginia preserves her flag untarnished and free, the fame of Mason is safe. But should her banner be stained or ingloriously lost, could he speak from his grave, he would be content that his own reputation should perish in the ruin which was destined to overwhelm the independence and honor of his beloved country.

The history of Mason subsequent to the adjournment of the Convention, as a member of the House of Delegates, as a statesman consulted in his retirement by the ablest politicians on all the greatest and most delicate state and national questions of the times, as a member of the Convention which framed the federal constitution, and of the Virginia Convention which ratified it, of deep and surpassing interest as it is, we must postpone for another occasion.*

If George Mason was the Michael Angelo who laid the foundations and prescribed the proportions of the new government, THOMAS JEFFERSON was the Raphael who imparted to it its peculiar grace and effect. If Mason drafted the Declaration of Rights and the plan of government, it was Jefferson who devised those measures which were most effectual in imparting vigor and practicability to the new system. No mistake is more common than to underrate the value of an improvement in science or in the arts from its apparent simplicity, and from its obvious adaptedness to our present purposes. The printer's boy, who sees his types arranged in their cases or scattered over the floor, can scarcely believe that those moveable pieces of lead which seem so simple as to require no skill in the making, were one of the most remarkable inventions of human genius. The youthful gunner, who has heard that gunpowder is made at a common factory out of three simple ingredients, rarely reflects that its invention wrought one of the most marked revolutions re-

* For the Discourse on the Virginia Federal Convention.

corded in history. So in contemplating the measures proposed by Jefferson during the first session of the General Assembly and subsequently, such is their obvious harmony with a republican system, we are apt to regard them as matters of course, and the immediate and inevitable result of the new order of things. Yet nothing would be more untrue, or more injurious to the reputation to which every benefactor of his race is entitled, than such an opinion. Primogeniture, entails, the connection of the church with the state, so far from exciting unpleasant feelings in the breasts of a large, intelligent, and wealthy class of people, who held the control of the public councils, had been a portion of the inherited public opinion of the Anglo-Saxon race for at least a thousand years. Nor was there anything in either absolutely incompatible with a republican form of government. Any man of a weak head and a base heart may still, if he pleases, bequeath all his property to his eldest son, may cut off the rest of his children with a penny, and may by legal contrivances transmit his property in a descending line for a certain period; and the custom still exists in some of the New England States of laying taxes for the support of religion. That property should be free to be disposed of by the generation which holds and protects it, and that the children of common parents should share the common property, and that every man should be at liberty to support any system of public worship most acceptable to him, or none at all, are principles which have taken such deep root as to seem a part of the general mind, the instinct of our common nature, and the necessary and the inseparable concomitants of a republican form of government. It is to Jefferson that these popular amendments of our colonial policy are due. Some of the ablest and purest men of the Revolution, who had been among the first to risk their lives and fortunes in the cause, adhered to the old opinions, and fought so gallantly in their defence, that, notwithstanding the sixteenth section of the Declaration of Rights, the act for establishing religious freedom did not become a law until nine years after the declaration of independence. In these contests Mason and Jefferson stood side by side. In the decline of his long and honored life, recalling the struggles of this period, Jefferson, with that modesty peculiar to great minds, thus speaks of Mason: "I had many occasional and strenuous coadjutors in debate; and one most steadfast, able and zealous; who was himself a host. This was George Ma-

son, a man of the first order of wisdom among those who acted on the theatre of the Revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth; but his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism, when provocation made it seasonable."

One lesson that well deserves attention may be drawn from this subject. The three principal measures of reform proposed by Jefferson were designed to effect immediately the most radical change ever made in so short a time in the institutions of any people. Beside such an innovation the dissolution of the tie which bound the colonies to the mother country seemed comparatively trifling. That tie was in a certain sense rather theoretical than practical. The colony always enacted its own laws, and though the assent of the king was necessary to their validity, that assent on most subjects followed as a matter of course. But the laws of primogeniture, of entails, and of an established church, were so intimately interwoven with the existing polity, that it would seem *a priori* impossible to have assailed them with success. But the bold and decisive statesmanship of Jefferson did not hesitate for an instant.

* Jefferson's Works, I, 33. Garland in his life of Randolph (I, 19) quotes as from John Randolph a sentiment deprecating the alteration of the old law by the Virginia statute of descents: "Well might old George Mason say that the authors of that law, (Pendleton, Wythe, and Jefferson) never had a son." That Randolph did make such a remark I have reason to believe from evidence in my possession, but I am quite sure that George Mason never uttered such a sentiment. In the the first place, we are told by Mr. Jefferson (Vol. I, 35,) that, with the exception of Pendleton, the Revisors agreed on the principles of the law of descents; secondly, in the sketch of Mason by Jefferson quoted in the text, Mason is said to have been "earnest for the republican change on democratic principles;" which could not be said of an advocate of primogeniture and entails; thirdly, if Mason had made such a remark, he would not have included Pendleton, who warmly opposed the change in the committee of Revisors and in the House of Delegates. But in truth the remark could not have been made by Mason; for when Jefferson reported the draft, he was not more than thirty-four or five years of age, and had married a short time before a lady seven or eight years younger than himself, by whom he had several children, though, as she died early, he had no son. But Jefferson was still young, and might have married again, and have had a large family after the death of Mason in 1792. The probability is that the fact that neither Pendleton, Wythe, nor Jefferson, had a son, gave rise to the remark, which is probably the product of the present century, and which was fathered upon Mason who could not have made it.

As Mason was attached to the Episcopal Church, and was a member of the vestry of Truro parish, it has been thought that he was opposed to the disconnection of the church from the state; but not only does the remark of Mr. Jefferson quoted above disprove any such thing, but the sixteenth section of the bill of rights settles the question under his own hand.

He appeared to survey the whole ground before him not so much with the eye of a contemporary actor, as with the eye of the representative of a distant posterity. That a comparatively young man should have had the wisdom to suggest, and the moral courage to sustain, a series of measures so opposed to existing prejudices, and so appropriate to the occasion, that in the long interval of near eighty years we cannot see wherein they might have been improved or altered to advantage, and that such a policy was the result of his own reflections unaided by the example of the past, is not the least wonder of that wondrous age.

Jefferson, who was deputed to Congress, though a member of the present Convention, did not take his seat in the body. Yet his name is forever associated with the result of its labors. The preamble to the constitution was from his pen. And it is not our purpose to trace his course at length. His education at this College, his tutelage under the eye of Wythe, his course in the General Congress, his course as the second chief magistrate of this Commonwealth, his mission to France, his course in the federal government as Secretary of State, as Vice President, and as President, his useful services as the founder and patron of the University of Virginia, that child of his old age and the delight of his eyes, have been fully recorded. In the Congress of 1776 the declaration of independence has made his name immortal. At a later period in the same body, with that perspicacity which seemed rather the result of inspiration than of deliberate calculation which it assuredly was, he devised the currency of dollars and cents;—a system so simple as to bear away the palm from schemes sanctioned by the highest names which were brought in competition with it, and so perfect as in the lapse of seventy years to need no amendment. In whatever position he was placed, he seemed to have been made for that alone. At the brilliant court of Louis the Sixteenth, his modesty which was shown in answer to the question whether he filled the place of Franklin,* the elegance of his manners, his thorough knowledge of the interests of his country, his honesty and sincerity in diplomatic affairs, which were instantly seen and appreciated, his love of science and letters which placed him in communion with the publicists and scholars who

* "No one can fill his place, I am his successor."

were then preparing the public mind for the great event which overcast the age, and, with all his ardor in the cause of liberty and letters, keeping steadily inside the strict line of diplomatic reserve, won the confidence and esteem of the king and of the French nation. He was quite as successful in the cabinet as the first Secretary of State under the federal government. Brilliant and rapid in his conceptions, he was as conspicuous for the severe and protracted labor which he underwent in the preparation of elaborate commercial reports as he was for the ability and eloquence of his strictly diplomatic correspondence. Of his career as President of the United States, this is not the place to speak in detail. It may be said, however, as it was the chief ambition of the statesmen of old, so it was his peculiar glory, to give a magnificent empire to his country; and that, in a complication of embarrassments in which the troubled state of Europe involved him, and from which he could not have disengaged himself either by what he did or by what he failed to do, he enjoyed to the close of his term in as great a degree as had been enjoyed before, or has been enjoyed since, the confidence and the affections of the people.

His tastes and amusements were made subservient to the interests of his country. It is mainly owing to his timely research and provident care that our Statutes at Large have been preserved in their present condition. No fact relating to our history and laws, to our manners and customs, to our soil, whether in regard of the forests which grow upon its surface, or of the animals which ranged through those forests or nestled in their branches, or lie buried beneath them; or its minerals, or the length and breadth and depth of its rivers, or of the changes of the temperature and the course of the winds, escaped his notice in early life as in mature age. When the date of preparation and the degree of accessible information on its topics are considered, no light production of that day indicated greater habitual industry than the Notes on Virginia. The force and freedom and occasional beauty of its style, the originality of its views in politics, in law, and in physical science, and the fearlessness with which he exhibited them, are hardly less admirable than the extensive research which appears on almost every page. His industry and judgment in the preservation of the materials of history were equalled only by the liberality with which he dispensed them. He was consulted on almost every

topic of American history, of science, and of religion in its connection with the common law, and he not only wrote well on every question presented to him, but freely opened his stores to the researches of others. Without his aid Girardin could not have written his history. Burk and Wirt are deeply indebted to him. The removal of his collections to Washington was an irreparable loss to Virginia, and regret for their removal is more bitter since their recent destruction by fire in the Capitol. There was an universality in his tastes quite uncommon among men whose fame is political. He leaned to the sciences more than to literature; yet he was versed in the English classics, and had studied the Latin, the Greek, the French, the Spanish, the Italian, and the Anglo-Saxon. His domestic tastes were of a practical turn. He superintended at home the construction of his own wood and iron work, often wrought in the shop with his own hands, and, like Washington, had invented a plough of his own, which obtained a premium in Paris. He had a love of architecture, and a fine sense of beauty, as his own mansion and the buildings of the University show, and, if it be urged that in those structures usefulness is in some degree sacrificed for beauty, and that they are better suited to the French than the English notion of domestic comfort, their design must be conceded to be altogether classical and elegant. He noted to the last the changes of temperature and the course of winds, and made experiments in physics. And in his life and conversation it were difficult to say whether the practical philosopher or the politician held the sway.

His eminent qualities were set off by a graceful and imposing person. His height exceeded six feet; his form was spare; his step even in old age light and springy; his hair was inclined to red. His eyes were blue, and had a most benignant expression. His head, which would seem to be large in the portrait by Stuart, was by measurement really small. In conversation all his features were most expressive. Posterity will probably receive the most life-like impression of his face and form from the statue by Galt, whose chisel

> "Gives more than female beauty to a stone,
> And Chatham's eloquence to marble lips."*

* Had the author of the Task seen the exquisite smile that plays on the lips of the Bacchante of Galt, or the sweet, pensive, spiritual face of his Psyche,

In his address he was hardly equalled by any of his contemporaries. His manners, which were originally moulded in the society of Williamsburg when Wythe and Small and Fauquier were its brilliant ornaments, and which were chastened by long experience in the most elegant circles of France and America, were so simple and retiring, so refined yet so cordial, that indifference was quickened into love, and strong political prejudices have been known to melt away in a personal interview with him. Like his preceptor Wythe, he was through life strictly temperate in his diet, and never indulged in those vinous excesses which were too common in the colony and in the early days of the Commonwealth. He never lost his teeth. He used the cold bath daily, and recommended the practice to his friends as a specific against colds. He retained his erect carriage to the last.

Jefferson, if we may so speak, was born a reformer. He shrunk from no change which seemed desirable in his eyes. He regarded every question in politics, in morals, and in religion, as an open question, deriving no sanctity from time or association, and to be decided on its intrinsic merits. Before the Revolution he had sought the abolition of the slave trade, and he denounced that infamous traffic in such severe terms in the original draft of the Declaration of Independence that Northern and Southern men alike united in striking those passages from that paper.* No man

or the manly face of his Columbus, such as he was when on the deck of his ship he first hailed the shores of the New World, his noble features even in the flush of triumph bearing a cast of coming sadness, he would have divided with the young Virginia sculptor the praise which he has so generously awarded to Bacon. The bust only of Jefferson in plaster is thus far finished by Galt, and will ere long be taken to Italy to be put in marble. The face of the bust is said to be a capital likeness of Mr. Jefferson. There is something highly gratifying to our Virginia pride that the head of such a man as Jefferson should present its fairest representation to futurity through the genius of a Virginian.

* In allusion to the striking out that part of the Declaration of Independence relating to the slave trade, Curtis in his History of the Constitution (vol. I, 88,) observes: "But this was not one of the grievances to be redressed by the Revolution; it did not constitute one of the reasons for aiming at independence; and there was no sufficient ground for the accusation that the government of Great Britain had knowingly sought to excite general insurrection among the slaves. The rejection of this passage from the Declaration shows that the Congress did not consider this charge to be as tenable as all their other complaints certainly were."

If Mr. Curtis will turn to the records of Virginia, he will find that this charge against the British king is fully sustained. The act of the House of Burgesses seeking to put an end to the traffic, and the proclamation of Dunmore of Nov. 7th, 1775, summoning all persons capable of bearing arms to his standard, and offering freedom to all slaves who should join him, and whom he

living save himself would have dared to grapple at one and the same time with the laws of primogeniture, of entails, and of an established church, and to seek their instant and unconditional overthrow. Boldness in this instance was the height of wisdom. Had he postponed his assaults until the filaments of prejudice, which had been broken by the Declaration of Independence, had begun to re-unite, nothing short of a new revolution could have rent them asunder. Nor did he desire novelty for the sake of novelty. When Pendleton leaned to the codification of the common law, the practical sense of Jefferson opposed the scheme at the onset. He may seem in our day to have erred in some of his views; but, as, like all great reformers, he was ahead of public opinion on some topics, and appealed to the future as well as to the present, candor might teach us to await the forthcoming award ere we arraign his wisdom. As a politician in that sense of the term which consists in guiding and controlling public opinion, though ridiculed in his day as a philosopher, he was unsurpassed in ancient or in modern times. He seemed to have sprung into existence, like Minerva from the brain of Jove, full-grown and well-armed. He seemed to have passed through no noviciate. From the day on which he drafted in the House of Burgesses his report in reply to the propositions of Lord North to the day when from his mountain home he saw the turrets of the University glistening in the morning sun, he never lost his control over the public opinion of his age. If it be urged that in the cabinet of Washington his star waned before that of Hamilton—and for the sake of illustration we concede as a fact that which, when properly considered, is no fact at all—it was a momentary obscuration rather apparent than real—under a concentration of forces which would have driven from its sphere any other political luminary then in the firmament. Had Jefferson not existed or been other than he was, the policy which sought the protection of the venerated name of Washington, would have

instantly armed, settle the question at once. The present Convention in the preamble to the Constitution first brought the subject forward, as Virginia was the first to suffer, in these words: "By prompting our negroes to rise in arms among us, those very negroes, whom by an inhuman use of his negative, he had refused us permission to exclude by law." As stated in a preceding note the leading statesmen of Virginia at the time of the Revolution were opposed to slavery and were anxious at least to put an end to the introduction of negroes from Africa; but Georgia and South Carolina were not disposed to abolish the traffic, and it is not improbable that the commercial and navigating interests of New England were equally averse from such a measure.

descended for generations. The wonder is, not that he failed for a time to make head against an accidental majority in Congress which was sustained by the commercial and monetary interests of the country, and by that band of upright and honorable men who were deluded to believe that the zeal with which they might uphold that policy was the surest test of the unbounded affection which they cherished for the Father of his Country; but that in a contest with such odds pressing upon him, he was able in so short a time to separate that powerful party into so many fragments that a corporal's guard could scarcely be mustered against him. It has been fashionable of late in certain quarters to give Hamilton the precedence on the score of abilities over Jefferson. Far be it from us to detract from the merits of that illustrious man, whose valor won its latest and brightest triumph on the soil of this Commonwealth, who was the oracle of the forum and the ornament of the cabinet as he was the pride of war, and who in the vigor of life amid the tears of a nation went down to a bloody grave; but conceding to his civic merits the meed of high applause, we must still contend that those merits did not reach the standard of Jefferson. Perhaps the individual best qualified to decide on the respective abilities of these two eminent men was James Madison. He had followed Hamilton step by step from the beginning of his career to its untimely close, and he had viewed him in the double aspect of a political friend and a political opponent. In the decline of life, when the fires of party, if indeed they ever raged in that gentle breast, had burned out, he affirmed that it would take more than one Hamilton to make a Jefferson. As politicians, in the sense of ruling the affections and the will of the people, there is hardly ground for comparison between men, one of whom was the successful champion of a great party reared mainly under his auspices, and the influence of which is felt to this hour, and the other of whom, though the accredited heir of the popularity of the purest name in human history, could not secure the State in which he lived from the grasp of his foe, and in his short life saw not only the extinction of the party to which he belonged, but the very name of that party held in disrepute and openly disavowed. Nor is the comparison between these eminent men more favorable to Hamilton, when regarded in the light of the master-spirits of a great era. Hamilton was eminently conservative. He had but

little faith in the capacity of the people for self-government. He honestly believed that the British system was the wisest of human polities; and though determined at every hazard to give the new system a fair trial, he could not conceal from himself nor from others the belief that the country might yet be compelled to fall back upon the British model. In an old established system he would have been at home. There his peculiar genius would have reigned supreme. As the colleague of the younger Pitt, whether in the field, in the cabinet, or on the floor of the House of Commons, he would have proved the ablest lieutenant that ever ranged under the banner of party. But as the guide of a people resolved to shed the slough of monarchy, and to establish popular institutions, he was measurably, and, in a certain sense, out of place. And that place was the place of Jefferson. With the Declaration of Independence came the establishment of the Virginia Constitution; and while the fires of the Revolution were laying waste the land, Jefferson planned and carried into immediate effect the leading measures necessary to sustain a republican system as deliberately as he could have done in a time of profound peace. He never looked back. He never despaired of the republic. He believed, and always through life acted on the belief, that the people were wise and honest enough to uphold those institutions which were obviously designed for their benefit, and which were the work of their own hands. As a Statesman, the career of Jefferson in the House of Burgesses, in the General Congress, in the House of Delegates and as Secretary of State, has received the commendation of all impartial persons who have watched it closely. It is not unusual, however, to sneer at the policy which he was compelled to adopt, during his administration of the federal government, in relation to our foreign affairs. Non-intercourse and embargo are with many, even at this day, the synonyms of fear and folly. This is not the place, at the close of a discourse already extended beyond its prescribed limits, to discuss those subjects in detail; but a deference to a common prejudice requires a passing remark. It may be observed that nothing is more unjust than to condemn measures of policy from considerations which are the result of subsequent developments. And judging by these developments, it may be affirmed, perhaps, that the wisest course which Jefferson ought to have adopted in the beginning of our commercial troubles with

France and England would have been to declare war with both nations. But Jefferson had to deal with the present and not with the future. The continent of Europe was involved in a war of life and death. It was a contest for national existence, and in comparison with which the present European embroilment is but the play of the nursery. In the course of the struggle France had become the unprincipled bandit of the land, and England the ruthless robber of the sea. The laws of nations were set at naught equally by both belligerents. To protect our commerce from the hostile powers was impossible. If our ships touched the British coast they were forfeitable to France; if they touched a French port, they were forfeitable to England. Our sailors, born on that soil which had been made free by the valor of their fathers, were seized on the decks of their ships, and were transferred by thousands to British men-of-war in which they were compelled to fight the battles of England, or to be torn by the lash. Even at this distance of time the indignation of every American glows so fiercely when he contemplates the injuries which were then inflicted on his unoffending and defenceless country, that he is hardly willing to allow that any statute of limitations should bar his right of vengeance. War with both nations was, indeed, justifiable; but war in our defenceless state, besides other inconveniences which would grow out of it, would give England the right to persist in conduct which in time of peace was an outrage on neutral rights, and for the redress of which she was amenable to the laws of nations; and in so far as keeping our ships at home was concerned, and which constituted the leading objection to the policy adopted by the president, war was the most effectual act of non-intercourse and embargo that could be desired. But the very violence of the contest which devastated Europe was in the estimation of reflecting men a presage of its cessation at no distant period, when the sense of justice of the contending parties might be appealed to with success. To go to war was to take redress in our own hands; and was, without gaining any essential benefit, to wipe off all our accounts with the offending parties. A measure which would at once enable us to save our ships, and leave us free to avail ourselves of the chapter of accidents which might open favorably at any moment, seemed to be the most plausible means of relief; and in this view non-intercourse and an embargo were successively adopted. And

when war was ultimately declared by Madison, it was ascertained that if the declaration of it had been postponed a few weeks longer, the obnoxious orders in council would have been rescinded, and the means of redress would have been within our reach. When we estimate the number of lives which were sacrificed by the war, the millions of treasure expended in its prosecution, and, beside other calamitous results, the sacrifice of all claim for the remuneration of previous wrongs, of which war was the consequence, we cannot but respect the policy of Jefferson which postponed an appeal to arms. We may truly deplore the embarrassments in our foreign affairs which cramped his administration, and we may look forward with conscious pride to the time when we may be able to punish similar wrongs even though inflicted by the combined navies of the world; but it may well be doubted whether the wit of man could have devised in the existing state of the country more effectual measures of relief than those which were proposed by him and which were approved by the party of which he was the chief.

It has been asserted that he was a lover of popularity, and shaped his measures to please the people. If the meaning of this charge be that he cherished the good will of those in whose service his life was spent, such was doubtless the case. To be loved by the people among whom our lot is cast, to be revered as a benefactor of our race, is indeed a noble ambition; and this ambition Jefferson felt in its greatest extent. But if it be alledged that his great measures were designed not with large general views but with the object of acquiring popularity as a means of rising into power, no accusation can be more untrue. He was of all his contemporaries the most uncalculating as to the effect of measures upon his own personal interests. And this, we should say, was the distinctive trait of his character. A reformer is rarely a hunter after popular favor. He planned with deliberation his measures, and he brought them forth, utterly regardless of consequences. The idol of the people, he was, in no sense and at no time, a time-server or a self-seeker. The great measures with which he connected himself in early life were almost invariably ahead of public sentiment; and, opposed as they were by men who had for years controlled public opinion, were more apt to retard than advance the progress of a politician. They were calculated to array, and did array, the wealth, the talents, and the prejudices political and religious of a

powerful class and a ruling caste against him. The man who could rise in a body composed mainly of tobacco-planters and slave-holders who had inherited their estates and who wished to transmit them to posterity, and of the friends of the church, and demand an instantaneous and unqualified repeal of the laws of primogeniture and entails, and the separation of the church from the state, and who held in his hand a resolution to abolish slavery, might be denounced as a mad-cap or an enthusiast, but could not be regarded by any man who heard him state his propositions as a candidate for present popularity. A tobacco-planter would not have purchased popularity at such a price, even if he had been sure of his bargain. The truth is that, so far from catering for public favor by his great measures of reform, he may be said, although they became ultimately popular, never to have entirely recovered from their support. They were such as were not likely to be forgotten, and were never forgiven. They inflicted a wound which no medicaments could heal. They evoked passions which time could not appease, which tracked him through life, and which gloated above his grave. It was the merit of Jefferson that he pressed his measures, however unpopular for a season, in the hope that in the process of time their worth would be acknowledged. And it is most honorable to the people, as it must have been most grateful to him, that, both at home and abroad, their affections followed rather than preceded the adoption of his most important schemes of legislation and reform.

The peculiarities of his mind and character may be traced in his style. Its essential merit lies rather in its strength and point than in the choice or beauty of its words. Not that he did not fully comprehend the worth of words and the grace of manner; but he seems to have regarded language only as a means of accomplishing his purpose, and to have written hastily out of a full mind, leaving first thoughts to take care of themselves. Hence that freshness and raciness which led the reader captive, and drew off his attention from minor defects. His letters partake of this character to a considerable extent. In all his writings reason predominates over imagination; and the reader quickly sees that the author derived more pleasure from the pursuits of science than from those of literature. The same trait may be seen in his criticisms on books, and would sometimes lead us seriously to question the purity of his taste, if he had not written so much and

so well. In one respect he surpassed all his contemporaries: in the faculty of throwing a mass of doctrines into a group, and in making them the shibboleth of a party. His first inaugural, severely criticized as it was, and in some respects justly amenable to criticism, was the most remarkable chart of a party known in our annals. It took such a firm hold of the public mind that neither the eloquence, the wit, nor the bitter sarcasm of political opponents could loosen it. The faculty of putting great truths in a nutshell, of compressing whole theories or doctrines into an adage, was so conspicuous in his writings that it may be said, when he wrote a letter or a paper upon a party topic, the letter or paper became the battle-ground of the time. It was the armory from which his friends chose their weapons of offence and defence. Its phrases became a part of the public mind. If his thoughts recorded in a book were not so potential as his lighter essays, it was because they were less easily accessible by the mass of the people. Hence the first constitution of Virginia withstood for near fifty years his attacks in the "Notes;" but when he threw his thoughts into the shape of a letter to Kercheval, the fate of that instrument was sealed. The phrases of that letter were at once stereotyped in the public voice; and it was amusing to observe on the court green and in debate how those phrases passed current with men who had never seen or heard of the letter, and who believed that they were clothing their own thoughts in their own words. If he sought strength rather than elegance in his writings, it was from no inability to adopt a different style. Scattered freely throughout his works are passages of extraordinary grace and of rare excellence. His letter of condolence with John Adams on the death of his wife is justly praised by the grandson of the sage of Quincy for its exquisite beauty of thought and diction; and it is certainly one of the happiest and most harmonious compositions in the language. And not less beautiful is the letter, the last he ever wrote, to the Washington committee, declining to attend the celebration of that Fourth of July on which he was to die. It is the appropriate and melodious death-song of that wondrous magician who for half a century wielded at will the affections of the American people.

The respective styles of Jefferson and Madison afford a singular exemplification of the individual character of each.* As diplo-

* It is not unworthy of remark that both Jefferson and Madison wrote excel-

matists, neither of them had a rival. The letters of Jefferson to Hammond, and of Madison to Erskine, are the best specimens which we yet possess in that department of writing. These exhibit in common perfect self-possession, ample research, great aptness in disquisition, and vigor and elegance of expression; but it will appear on a closer inspection that Jefferson, though reasoning on large general principles, hastens rapidly to his conclusions, which he presses upon his antagonist as if they were made expressly for the case in hand, and as if his object was to obtain a present victory. Madison, whose scope of reasoning is equally as wide, is more elaborate in his argumentation, and applies his conclusions with equal tact to the case in hand; but in his philosophical mode of handling the subject, seems to regard his present opponent as one member only of that august tribunal present and future which was to decide the question. In their inaugural as well as in their ordinary messages to Congress the same distinction is apparent. Force and point and rapid analysis are the characteristics of the style of Jefferson; full, clear, and deliberate disquisition carefully wrought out, as if the writer regarded himself rather as the representative of truth than the exponent of the doctrines of a party or even of a nation, is the praise of Madison. One wrote as a great minister at the head of a bureau, under the pressure of business, and thoroughly conversant with his subject, might be expected to write. The other wrote with full deliberation as if he were laying down the rules and principles by which great ministers should be governed. Hence, as before observed, every paper from the pen of Jefferson abounds with expressions easily separable from the context, which became the tocsin of a party; while it is difficult to cull from the papers or even the speeches of Madison, written on purely party topics, an adage or a maxim, or even a pointed phrase, as a weapon to be used in the existing contest. Jefferson was so thoroughly steeped in practical affairs, that in all his writings he could never let the politician drop entirely out of view. Madison, though viewing politics as

lent hands. It is said that the leading actors in the drama of the French Revolution wrote hands that were hardly legible—Napoleon writing worst of all. On the other hand our great Virginia statesmen excelled in this respect. Peyton Randolph, Pendleton, Mason, Henry, Read, Carrington, Cabell, Wythe, Tazewell, were expert and graceful pensmen. The beauty of Washington's hand-writing is proverbial.

steadily in their direct application to business, still regarded them as a science, and was indisposed to attempt a conquest by other means than those which were legitimate in a discussion of pure philosophy.

Their respective characteristics were evinced in their use of words. Madison was probably more critically learned in the dead languages than Jefferson; for his early advantages of acquiring them were greater, and he nearly sacrificed his life by his devotion to letters in his youth; yet in the course of his life he never dared to coin a word. He was so well satisfied with the riches of the English language that he found a word or a phrase for any purpose. Jefferson, as if disposed to assail the sovereignty of the English tongue as well as the sovereignty of the English sword, never hesitated to coin a word when it suited his purposes so to do; and though many of his brood are questionable on the ground of analogy and as intermixing languages; yet they were expressive, and became familiar. The epithet "pseudo-republican," the product of an illegitimate cross, and applied to a celebrated jurist before he assumed the gown, is a word of his coinage, and may serve to remind the political adept of an interesting period in the state of parties.

The time is fast coming, if it has not already come, among the nations of Europe as well as in his own land, when the name of Jefferson will be indisputably the first on the civic roll of America. Indications clear and abundant show that the finest minds of the age, men who view history in the spirit of philosophy, are beginning to assign him his station as the architect of American liberty. Time, and distance which is but another phase of time, can alone develope the true proportions of a great reformer. The mists of prejudice and faction, of party and personal feeling, which darken the vision of his contemporaries, must be allowed to dissolve. We are old enough to remember when an allusion to the color of his breeches would excite a laugh; and within a quarter of a century past, and within less than four years after his body had been committed to the grave, one of his bitterest opponents sought to move the mirth of a grave assembly by casting ridicule on a plough invented by the author of the declaration of independence. He lived at a time of extraordinary excitement, when passion passed from politics to persons, and when the courtesies of life were rarely ex-

changed between the contending parties. Most of those opponents have departed; but their prejudices yet survive in some of their descendants. Another generation will brush them all away. The publication of his writings has contributed wonderfully to his fame abroad. Here, where a generation has not passed since his death, we may expect that some harsh comments which they may contain on the conduct of relatives and associates, and on measures which have been connected with the names of honored friends, will in certain quarters produce a sensation; but abroad no such feelings exist. Rarely have the records of a human life reaching beyond eighty years presented such a monument of industry, of intelligence, of consistent and devoted purpose, of patriotism pure and fearless, and of a rare and far-reaching philanthropy. Even his "Ana," which have been severely judged here, will be pronounced invaluable memorials of his times, and serve with the diaries of Reresby and Luttrell, of the younger Clarendon and the younger Sidney, of Pepys and Evelyn, to let us in behind the scenes of outward history. It is immaterial whether those records in all their minute details be true or false; it is enough for the purposes of history to know that they were believed to be true, and were deliberately recorded and acted upon by the statesman who was the master-spirit of the time.* They tend to illustrate the greatest transition-period in modern history, and, apart from the particular facts which they disclose, possess an inestimable value. We would not erase a single line, we would not blot a single word, from his writings which have come down to us. As Christians, we may deeply deplore for his sake the fact, that his name cannot be ranked with the names of Locke and Newton and Pascal, and of your own Boyle,† as the name of a believer in the divinity of our Saviour, and that in a religious view we must place him in the same class with Franklin, Governeur Morris, Allen, the Adamses, Story, and other prominent men of his era. But the very freedom with which he discloses his views is honorable to

* Of course, I am pleased when any descendant of the actors of those days can remove any imputation cast upon his ancestors; but with all such explanations the value of the Ana is not impaired. The belief of Jefferson in their truth is the ground of their worth. What would we give for the Ana of Hampden or Cromwell, and how would they have been received after the Restoration, or even in the time of the Georges?

† Robert Boyle was a great benefactor of William and Mary. His portrait, presented by his brother still adorns the blue-room.

him. He had no concealments from those who sought his opinions in the ordinary forms of social intercourse. The utter absence of all hypocrisy in his writings is a merit of the highest order. The disciples of Talleyrand may sneer at his indiscretion, and may repeat the proverb of their miserable master; but we may rejoice that Jefferson had higher views of language than as a means of concealing his thoughts from his fellow-men. We see him and we know him as he was. But, aside from his collected writings which posterity will cherish as its most precious legacy bequeathed by the primeval age of the republic, his titles to the kind remembrance and veneration of future times are beyond number. Indeed, if any man were more fortunate than another in interweaving his name with the affections of his race, Jefferson is that man. If we cast our eyes over the Commonwealth, we behold everywhere his handy-work. The traveller as he approaches the Metropolis of the State sees eminent above every other building our majestic Capitol, and instantly calls to mind that the beautiful representation before him of the modern capitol of Scamozzi traced by the genius of Clerissault was the design of Jefferson. This ancient city is full of associations connected with his history. As the intelligent stranger enters this College, and recalls the many distinguished men whose youthful footsteps pressed its floors, the name of your most illustrious son is the first that rises to his lips. Here he spent his early hours; here he gave back the shouts of laughter among his fellows; here he disciplined his fine genius; and hence he sallied forth to engage in the business of life; and subsequently, when he was invested with the first honors of the State, he again appeared within your walls, and devised certain amendments of your polity which still exist in your statute-book. It was in the domestic circles of this city and in its ancient palace that he formed his manners, and acquired that social grace which, even in his latest days, was the charm of all who approached him. It was in the Capitol in this city that he heard while a student the eloquence of Henry, and became instinct with that love of country which inspired him through life, and which produced its rich fruits, when, as a member of the House of Burgesses, he wrote some of the ablest state-papers in our records. The elegant mansion and the humble cottage, dotting in thick profusion the hills and dales of this broad land, alike speak his praise. It was

his work that the colossal fabric of primogeniture and entails was demolished, and property made free. It is his work that the sons and the daughters of common parents enjoy the common patrimony. Inequality of wealth will indeed exist as long as some men spend more than they earn and others earn more than they spend; for such an effect is of the essence of freedom; but no human law prevents the division of estates. When Jefferson struck at the laws of primogeniture and entails, the property of the country was mainly in the hands of a few, and every precaution the wit of man could devise for its perpetuation in the same families was carefully adopted. But such has been the effect of his policy, that at this day, while there are not more than twenty men in the State who would be deemed rich on the London Exchange or in Wall Street, there are tens of thousands and hundreds of thousands of thrifty proprietors, who on their native soil and in the shadow of their own vine are enjoying the blessings of plenty and peace. Now every youth starts fair in the race of wealth and fame. This is the praise of Jefferson. Every temple, however humble or stately, reared to religion, is a remembrancer of his fame. If one passion were stronger than another in English bosoms, it was a love of the established church. The love of royalty was a strong passion; but the love of the church was stronger than the love of royalty. It was Jefferson who year after year sapped the foundations of this sacred monopoly until it toppled to its downfall. And, as if there was permanency in all his deeds, while not a shred of the constitution drawn by George Mason exists in our present form of government, the preamble from the pen of Jefferson still holds its place in the existing constitution and in the affections of the people. In all these measures he may be said to have appealed to the people as a whole, to the old and the young, to the wise and the simple. But in the establishment of the University of Virginia he may be said to have rested his appeal in the bosoms of the young alone. That noble institution was the child of his old age. One of the most touching of all his letters contains the glowing prediction of its usefulness which is verifying every hour. His marble image, the work of a native sculptor, will ere long adorn its halls, and will recall him to the eye of future ages such as he was, when surrounded by private embarrassments and under the pressure of age, he sought to open up in the wilderness that fountain of

letters; but, long after the marble shall have crumbled to dust, the affections of youthful genius kindled at that sacred shrine will hallow his name. If we look beyond the Commonwealth, the evidences of his fame crowd upon us. The Fourth of July singled out from common days by his pen, and consecrated by his death, is his forever. As long as that day in the endless cycle of ages shall return, his fame will be fresh. The currency of the federal government, so simple yet so perfect, is the work of his hands. The mill, the cent, the dime, the dollar, the eagle, perpetually proclaim the genius of the man who called them into being. The rules which he laid down as the guides of federal policy are still held in such repute that the worth or want of worth of an administration is decided by its adherence to them or by its departure from them. It was his doctrine that it was cheaper and more honorable to acquire territory by the purse than to seize it with the sword; and the original territory of Louisiana, added to the Union without the tears of the vanquished or the wail of the widow, without the loss of a single life or the shedding of a drop of blood, will be a memorial of his worth as long as its fertile fields produce their harvests, and its noble rivers bear those harvests to the sea. When we look at the unnumbered and important topics associated with his name, all of which are intimately connected with the progress of the human race, when we contemplate the vast extent of our country which will in due time be settled by a dense population, the increasing facilities of intercourse among nations, the power of the press the capacities of which for the diffusion of knowledge, great as they now are, are but in the process of development, and the expansive tendencies of our institutions, and turn our glance from the past and the present to the future, may we not conclude that, though a century has passed since the birth of Jefferson—a century the chronicles of which are resplendent with his deeds—his fame is as yet only in its early dawn?*

* The sources of information concerning Jefferson are abundant. I need only specify his memoir of himself and his writings generally, the excellent Life of Jefferson by Professor Tucker and the Eulogies of Wirt and Webster. I wish I could speak of the truthfulness of the sketch in the work called Party Leaders in as warm terms as I can of the ability and eloquence with which it is written. Mr. Baldwin has brought out in bold relief some fine traits of Jefferson, and in a way that could hardly have been expected from an opponent; but the general view which he takes is that which could only be taken by a disciple of Alexander Hamilton or of Timothy Pickering.

On the subject of the constitutionality of acquiring Louisiana, about which

To pass over a single honored name of the Convention is a subject of regret; but we have far exceeded our limits, and we must touch lightly even the noble name of THOMAS NELSON, who, educated at this College and at the University of Cambridge, England, had served in the House of Burgesses and in the Council, who was a member of all the Conventions including the present, in which, however, he did not keep his seat, having been deputed to Congress in which body he signed the Declaration of Independence, being the fifth member of the Convention whose name is attached to that instrument;* who succeeded Jefferson as governor of the Commonwealth at a perilous crisis, and whose gallant services in the field with his purse as well as with his sword entitle him to the gratitude and admiration of his country; of GEORGE GILMER, the alternate of Jefferson and his intimate friend, whose classic memory yet sheds a radiance over his beloved Albemarle;† and of his colleague CHARLES LEWIS; of BENJAMIN WATKINS of Chesterfield, the colleague of ARCHIBALD CARY, whose name, revived in his illustrious grandson, has become the talisman of honor, of genius, of eloquence, and of a glowing patriotism; of WILLIAM FLEMING of Cumberland, a son of William and Mary, who was a member of the House of

Mr. Jefferson doubted in the first instance, I would refer the reader to the argument of Mr. Tazewell in a report on the Colonization Society made in the Senate of the United States in 1828, which is the ablest exposition of the right extant.

The name of Jefferson was among the first settlers. From a memorandum made of the proceedings of the first House of Burgesses existing only in manuscript in the British State Paper Office by Conway Robinson, Esq. it appears that a Jefferson was one of the Burgesses. The Madisons, it appears from the same source, had come over to the colony before 1623.

* The members of the Virginia Convention of 1776, who were also members of Congress, and who signed the Declaration of Independence, were Wythe, R H. Lee, Harrison, Jefferson, and Nelson. The life of Nelson was shortened by exposure and care in the public service. He died at his seat in Hanover on the fourth of Jannary, 1789, in his fiftieth year. The eloquent Innis has commemorated the death of his friend by a striking eulogium beginning: "The illustrious General Nelson is no more;" and ending with the lines from Shakspeare:

> "His life was gentle; and the elements
> So mixed in him, that nature might stand up
> And say to all the world—this was a MAN."

A sketch of his life, not free from some inaccuracies, may be found in Sanderson's "Lives of the Signers." (VII, 265.) See also Campbell's History page 154, where it is said a beautiful portrait of Nelson taken when he was a youth by Chamberlin in London is now at Shelby in Gloucester, the seat of his daughter Mrs. Mann Page.

† For many interesting particulars concerning Dr. Gilmer see Kennedy's Life of Wirt, and Gilmer's Georgia Letters.

Burgesses and of the Conventions, a member of the committee on independence, a judge of the General Court and a judge of the Court of Appeals;* of Meriwether Smith of Essex, long a member of the House of Burgesses, a member of all the Conventions, a member of the Declaration Committee, and a member of the Virginia Federal Convention; of JOSEPH JONES of King George, long a member of the House of Burgesses, a member of all the Conventions, a member of the Declaration committee, a member of Congress, and a judge of the General Court; of WILLIAM ROSCOW WILSON CURLE, of the borough of Norfolk, a member of the House of Burgesses, and a judge of Admiralty and of the first Court of Appeals; of JAMES MERCER of Hampshire, a student of William and Mary, a member of the House of Burgesses, a member of all the Conventions, a member of the Declaration committee, a member of Congress, and a judge of Admiralty and of the first Court of Appeals; of RICHARD CARY of Warwick, a student of William and Mary, long a member of the House of Burgesses, a member of the Declaration committee, a judge of the General Court, and a member of the Virginia Federal Convention; of SIMPSON and SMITH of Accomac; of TABB and WINN of Amelia; of RICHARD LEE and JOHN A. WASHINGTON of Westmoreland; of DUDLEY DIGGES and WILLIAM DIGGES of York; of WATTS and BOOKER of Prince Edward; of POYTHRESS of Prince George; of MAYO of Cumberland; of BULLITT and HENRY LEE of Prince William;† of COCKE and FAULCON of Surry; of ROBINSON and THOROUGHGOOD of Princess Anne; of PAGE and THORNTON of Spottsylvania; of BRENT of Stafford; of MASON of Sussex; of the HARWOODS of Charles City and Warwick; of GRAY and TAYLOR of Southampton; of JAMES TAYLOR of Caroline; of TALBOT and LYNCH of Bedford; of KENNER and CRALLE of Northumberland; of BOWYER and LOCKHART of Botetourt; of ACRILL of Charles City; of FIELD and STROTHER of Culpeper; of

* The late Daniel Call once said to a friend: Roane may give you more reasons for his opinions, but Fleming is more apt to be right.

† The reader will not confound Henry Lee of Prince William with Richard Henry Lee or any of his brothers, or with Henry Lee of the Legion. He was an old member of the House of Burgesses, a member of all the Conventions and of the Declaration committee, and was a member of the General Assembly. His standing was of the first before and after the Revolution. It was to Joseph Jones of King George to whom as a member of Congress, George Mason addressed his able letter on the Virginia and Pennsylvania land dispute in 1780, which may be seen in the Bland papers, Appendix, 124.

BANISTER* and STARKE of Dinwiddie; of WILSON MILES CARY and HENRY KING of Elizabeth City; of SCOTT of Fauquier, a name which has held an honorable place in the Conventions of Virginia to this day; of SPEED of Mecklenburg and of his colleague GOODE, a name also known in all the early and in the subsequent Conventions; of WILKINSON and ADAMS of Henrico; of HOLT and NEWTON of Norfolk; of RIDDICK and COWPER of Nansemond; of WILLS and FULGHAM of Isle of Wight; of TERRY and WATKINS of Halifax; of GARLAND of Lunenburg; of MERIWETHER and JOHNSON of Louisa; of AYLETT of King William; of WOODSON and THOMAS MANN RANDOLPH of Goochland; of SELDEN and GORDON of Lancaster; of PEYTON of Loudoun; of BERKELEY and MONTAGUE of Middlesex; of NATHANIEL LYTTLETON SAVAGE and GEORGE SAVAGE of Northampton; and of others, who, as students of William and Mary, as members of the House of Burgesses, and of all the deliberative bodies of the Revolution, and as ardent patriots, deserve our favorable regard.†

But it is time that the Convention adjourn. Its work was done and well done. That parting scene might well touch the sensibilities of the sternest heart. Some strong passions had been roused at several stages of its proceedings; and though the votes on the prominent questions were apparently unanimous, there were some serious struggles in adjusting details, and the line of division between the two great parties was more than once sharply drawn.‡ As is usual at the close of a session, the rules of order were slightly relaxed. A group of members might have been seen examining the ingenious device of the public seal which a few moments before had been reported by Mason and unanimously adopted by the House; and others were at the table of the Clerk inspecting the enrolled

* There is no living male descendant of Col. Banister that I am aware of. He was educated in England, and studied law at the Temple, was a member of all the early Conventions, a colonel in the Virginia line, and a member of Congress. A small stream in Halifax bears his name. He died in 1787 and is buried in Dinwiddie county near Hatcher's Run. There is a miniature likeness of him at Osmore in the county of Amelia. For his letters and other particulars respecting him see the Bland papers collected by Charles Campbell, to which I am indebted for these details.

† The general catalogue of William and Mary, recently published by the faculty, is an interesting document; but, while it contains the names of some of the members of the Convention who were students of the College, it omits others. It is valuable as it is, and will be doubtless amended in the next edition.

‡ See Letter of George Mason of May 18, 1776 in the archives of the Historical Society.

bill of the constitution; but, when the motion to adjourn was made, the members hastened to ther seats. When the motion was carried, Pendleton rose slowly from the chair to announce the result. He evidently felt the solemnity of the scene. His handsome face, the serenity of which the fiercest storm of debate could not ruffle, reflected the unwonted feelings which agitated his bosom; and when the clear tones of that silver voice fell on the ears of the members now for the last time, feelings too deep for utterance were excited in every bosom. Yet his self-command was such, no emotion save in the tremulous fullness of his voice appeared in his manner. He spoke deliberately and wisely as became the organ of such a body. He said in substance, "that the labors of the Convention were ended. Independence had been declared, and a form of government had been adopted; and from urgent necessity the Convention had devised certain measures for the public safety. He called upon the members to keep in mind that independence was yet to be maintained in the field, and that the administration of the new government required the constant and cordial aid of the people. He felt that his associates would act their part with honor, and would spend their treasure and their blood freely in the common cause; and would animate the people by their example. A war with a powerful nation might justly be deemed formidable even to a nation long established and well provided with the means of defence. But their case was peculiar. They were engaged in a struggle of life and death under circumstances of great embarrassment. They were in the midst of a civil war. The hand of a brother might be raised against a brother; the nearest and dearest ties of blood and friendship must be sundered. If they were unsuccessful, their estates would be confiscated, their families would be reduced to want, and the scaffold might be their own fate. But their blood would not be spilt in vain. Their cause was just. Liberty was their birthright, and life without liberty had no value in their eyes. The contest was no choice of theirs. They had been driven to the sword. They had committed their cause to the God of Battles; and should it be His will, as he hoped and believed that it would be, to give success to their arms, what a glorious triumph awaited them? They would enjoy the blessings of liberty and peace, and their children and their children's children would rise up and call them blessed. He returned his sincere thanks to the members for their kind appreciation

of his services in the chair, and he bade them—one and all—an affectionate farewell." Thus closed the sessions of the Virginia Convention of 1776, the deliberations of which led directly to the establishment of American Independence, and will be felt in human affairs as long as the language in which they are recorded shall endure.

CONCLUSION.

Now, Mr. President, we have heard the history of some of these worthy men under whose guidance our beloved Virginia cast aside her colonial bonds, and assumed a position among the nations of the earth. Should I seem to have dwelt too long on their personal history, it must be remembered that the praise of but few of them is to be found in print, and that the rise, progress, and consummation of the Revolution are most intimately connected with the individual character and personal influence of the men who were engaged in it. Of them it may be strictly said, that they were men, not whom the Revolution made, but who made the Revolution. From the impulse of gain or ambition no prudent man of that era would have incurred the risks of a radical change. Ultimate defeat was probable; and an immense loss of life and property was inevitable. Nought but the defence of a great principle would have impelled our fathers to make a stand on such an occasion; and, as we have reaped the rewards of their sacrifices, we naturally seek to know the domestic life of our benefactors. Let us make the story of their lives the first lessons of the young as well as the study of the old. Let us make their faces and their forms familiar to the public eye. Let the chisel of the sculptor strike from the rock their august images for the illustration of the Capitol. Let the brush of the artist portray their features for the adornment of our homes, of our colleges, and of our historical halls. Let the daguerreotype reflect from the walls of the humblest cottage of a Virginia farmer the faces of the Fathers of the Republic. For never did a people owe more to their ancestors than we do to ours. A more magnificient heritage no people ever shared, or ever descended from a purer source. It is to the mem-

bers of the Virginia Convention of 1776 that we are indebted for the independence of Virginia. It was their mandate to our delegates in Congress that called into being the resolution, drawn by one of its members, which pronounced the United Colonies free and independent. It was in pursuance with that resolution, that the Declaration of Independence of the Fourth of July, drawn by another of its members, was promulgated to the world. It is to their provident forecast that the fundamental and inalienable rights of man are recorded in a form within the reach of the humblest citizen—a form so succinct as to have been adopted by other states and to become the common birthright of the American people. To them belongs the honor of having presented to the world the first model of a written constitution of a free commonwealth. These venerable patriots, to whom we owe so much, have all passed away. The last, not the least of them all, was gathered to his fathers amid the shades of Montpelier nineteen years ago. The wave of time has now fairly settled above them all. Let it be our pride to cherish their memory. Let us teach our youth to repeat their names, to recount their deeds, and to imitate their virtues. But let us not forget that, though they have passed away, our beloved Virginia is immortal. She still lives in the freshness of life and in the prime of her exceeding loveliness. Time has written no wrinkle on her majestic brow. Not a leaf of the laurels with which two centuries have bedecked her has withered or been plucked away. The Atlantic marks her empire in the east, and the gentle waves of the Ohio wash her northwestern limit; but her territory no longer leans on the Mississippi. A noble state, created by her act, and carved out of her lands, once known as the Bloody Ground, now as Kentucky, forms her western boundary. Her laws organic and statute she may alter or amend as the interests and feelings, or even the caprices, of her children, may require; for since the date of the Convention a white population exceeding that then or now residing in the East, strong in its love of liberty as in its numbers, and devoted to her rule, has sprung into existence beyond those mountains which were then the almost extreme boundaries of the Anglo-Saxon race on the American continent. Railways and canals have penetrated the interior, and united her children by ties which may never be sundered. This College, over which in its infancy she extended her fostering hand, still survives to bless new generations, and hails

with the affection of a sister those kindred institutions which are lighting the mountain and the plain in one general blaze of civilization and knowledge. Her ancient church, the object of her early care, resting no longer on the infidel arm of the secular power, but on the arm of her Divine Master, and reposing on the general affection, flourishes fairer and purer and lovelier than ever. Nor are her temples the only temples on which a Christian patriot delights to dwell. A thousand spires reared by the willing hands of Christian men, controlled not by the law of the land but by the law of love, proclaim the great truth that religion is free, and that God is worshipped in spirit and in truth. Well may our blessed mother contemplate with joy her colleges and her churches; for she knows full well that knowledge and religion are the noblest and best defence of a Commonwealth. Behold our beloved mother! How beautiful she seems! Pure as she is beautiful, good as she is great! You hear no word of repining, no voice of censure or of envy, from her taintless lips. She looks abroad over the Commonwealth. She knows no East, no West, no North, no South. She regards with equal affection all her children. She asks not in what distant clime any of them may have been born—enough for her to know that they cherish her prosperity, and have their homes beneath her wings. Now, as ever, she delights in the beauty and piety of her daughters and in the wisdom and valor of her sons; and many a precious name has she garnered beside those of her Clark, her Henry, and her Washington. And shall we not requite her devoted affection? Shall we not cling, aye, forever cling to that soil which our mighty fathers trod, and beneath which they are laid to rest? Shall we not sustain with our latest pulse her spotless banner? Shall we not seek in our day to diffuse that brotherly love, that generous civilization, that love of liberty and that light of letters, which she prizes so well? Shall we not seek by a mild and wise policy to undermine the loathsome jail and the fearful penitentiary, and rear on their reeking ruins the school-house, the college, and the church? Shall we not seek by physical means as well as moral, by the railway and the canal as well as by the school-house and the church, to connect in pleasant communion all the parts of our territory, all the children of one family? Thus shall we earn a title to be remembered, when our ashes shall have mingled with the ancestral mould, by the sons and daughters of Virginia who

may henceforth assemble in this hall to dwell upon the past, and to invoke upon future generations the untold blessings which we now enjoy.

In conclusion, let me express the pleasure which I have enjoyed in revisiting after a long lapse of years your ancient institution. When in the distance I beheld the rays of the sun glancing from her hoary roof, all her precious associations crowded upon me. Her position in this rural and peaceful city, once the metropolis of the Colony and of the Commonwealth, and ever the abode of high courtesy and honor, where the Muses have loved so long to dwell;* her structure still stately and sound with a century of years chronicled on its front—transported me into the past, and I seemed to see the incidents of her busy life rise in quick succession before me. I could share the exultation of your pious Founder as he saw rising day by day an edifice from which a band of educated youth would go forth to teach the savage, and to diffuse in the New World the benefits of knowledge and religion. The names of his successors in the presidency, the Dawsons, Stith, Yates, Horrox, Camm, Madison, Smith, Wilmer, Dew, who devoted their lives to the cause of literature and science, and who trained many a noble youth for the service of his country, rush upon my recollection. I can trace the youthful Washington as he passes your portal, with his warrant of Surveyor in his possession,† ready to enter the wilderness in pursuit of fortune, to that later day when, with all his honors fresh upon him, the successor of the Bishop of London as Chancellor of the College, he led your annual convocations. I see, too, pass from your Board of Examiners which met in this building, bearing their warrants of Surveyor with them, William Mayo, just arrived from his home in the Antilles, and destined to run that line which still marks the boundary of two sovereign States; Thomas Lewis,

* By the seventeenth section of the charter of William and Mary granted in 1692, it is declared that the lands of the College shall be held by the trustees by fealty, in free and common socage, they paying to the king and his successors *two copies of Latin verses yearly*, on every fifth day of November, at the house of the governor or lieutenant governor for the time being, in full discharge of all quitrents &c.

† The office of Surveyor General was conferred on the Faculty of the College by the sixteenth section of the charter which enjoins that the professors "shall nominate and substitute such and so many particular surveyors for the particular counties of our Colony of Virginia, as our governor in chief, and the council of our said Colony, shall think fit and necessary;" for which service they were to receive "the profits and appurtenances of the office," which were already established by law.

the first surveyor of Augusta, and Thomas Read, the first surveyor of the patriotic county in which I reside, whose services and sacrifices on the altar of their country I have dwelt upon elsewhere; and Zachary Taylor, the father of that heroic man who inscribed the names of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista by the side of those of Princeton, Trenton and York. I can see Wythe and Small in earnest conversation as they leave your lecture-room, accompanied by that tall red-haired boy whom with prophetic sagacity they had singled out among his fellows as their compeer and friend, and who, while they were yet living, was to preside in the government of a nation which had received its baptism at his hands. I see that generous band of students who at the beginning of the Revolution hurriedly cast aside the gown, and sallied forth to fight the battles of the United Colonies. The Bollings, the Burwells, the Byrds, the Carters, the Cockes, the Claibornes, the Dades, the Digges', the Egglestons, the Harrisons, the Lyons', the Mercers, the Monroes, the Nelsons, the Pages, the Randolphs', and the Saunders', appear before me almost with the distinctness of real life. And when the struggle was past, I see two tall and gallant youths, who had been classmates in early youth, and whose valor had shone on many a field, enter their names on your lists, and after an abode beneath your roof depart once more to serve their country in the senate and in the most celebrated courts of Europe, crowning their public career by filling, one of them the Chief Magistracy of the Union, the other the highest office of the Federal Judiciary. I see another tall and graceful youth, who, I rejoice to say, is still living—and long may he live the bulwark of his own and the admiration of other lands—as he leaves this building on his errand of patriotism, and I can almost hear the shouts of his successors in this hall as in due time he connected with your history and with the history of the age the magic words of Chippewa and Lundy's Lane, and I hear those shouts redoubled as the names of Vera Cruz, the King's Bridge, Cerro Gordo, Cherubusco, Molino del Rey, Chapultepec and the city of Mexico are borne to them in close array on the wings of the Southern breeze. I see a host of young men departing from you year after year, some of whom are now among the brightest ornaments of their country, and who have shed a new lustre on the name of William and Mary. I ascend your stairway worn by the tread of a century, and another pano-

rama is unrolled to the eye. I enter your Blue Room, the scene of your early convocations, and inspect with surpassing interest your charter filling a score of sheets of parchment with its details, and the books of your ancient records; and I gaze with unutterable emotions on the portraits which depend from its cornice. The image of your Founder, side by side with that of his duteous wife, who shared with him his early hardships and who sustained him staggering beneath the weight of those responsibilities civil as well as religious which for near two-thirds of a century devolved upon him, there finds its fitting habitation. The face of the philosophic Boyle, drawn by no common hand and yet untouched by time, one of your earliest and most liberal benefactors, who, undazzled by a fame which filled the ear of Europe, sought by the assistance of your predecessors to bring the untutored Indian within the pale of Christianity and letters, and whose name is inseparably connected with your College, still beams with all that mild beneficence which so tenderly appealed to the hearts of our fathers. There the face of the lamented Dew, the friend of other days, justly your pride and the pride of his country, while we weep to think that his ashes are far away on the banks of the Seine, greets us with his wonted smile in the heart of his home and in the home of his heart. I enter your library and the collective wisdom of centuries look down upon me from its shelves. I open with reverence your magnificent edition of Chrysostom, and I read on its frontispiece in his own handwriting that it was presented to our fathers more than a century ago by the first peer of the British realm—a gift so fit for an Archbishop of Canterbury to bestow and for our fathers to receive. I open another magnificent volume, and the arms of Louis the Sixteenth, who gave us the aid of his fleets and armies in the war of independence, proclaim its story. The names of Blair, Spotswood, Dinwiddie, Fauquier, Botetourt, are seen everywhere in those votive books. Guard, Mr. President, guard with more than vestal care those sacred memorials which connect your institution so intimately and so honorably with the good and the great of past ages. Let no profane hand touch them. Let no impious innovator remove them from the spot where our honored fathers in the fulness of their hearts delighted to place them. But it is not the symbols of departed genius alone that touch me. There is one spectacle in this College more grateful still. In your Faculty

I behold men worthy to wear the mantles of their illustrious predecessors, and, above all, do I behold a large number of generous young men, filling the rooms which their fathers filled before them, and ready to go forth, like their fathers, in the fulfilment of those duties which Virginia exacts from her educated sons, and to earn new trophies to be placed at her feet. These are cheering signs and fill the heart of the patriot with joy. Go on, sir, with your accomplished associates, in the course which you have so handsomely begun, and the aspirations of the pious, the patriotic, and the learned will hallow your path.

NOTE.

It may be said that many of the members of the Convention of 1776 attained a good old age. Madison outlived all his associates in that body, having survived the adjournment sixty years, and dying on the 28th of June, 1836, aged 85 years, three months and fourteen days; and Paul Carrington died on the 21st of June, 1818 aged 85 years, three months, and twenty-five days, thus attaining a greater age than Madison by *eleven days*. Carrington died of a diarrhœa which he neglected too long. Jefferson died on the fourth of July 1826, aged 83 years, three months and three days. Pendleton died in his 83rd year, and Wythe by poison on the eighth of June 1806, aged 80. Col. Thomas Lewis died of a cancer in his face in his 72d year, and Col. Thomas Read of an affection of the bladder in his 76th year. Col. Arthur Campbell died in Knox county, Kentucky, of a cancer on the face in his 74th year. George Mason died on the seventh of October, 1792, aged 66. Col. Richard Bland died in his 69th year in October 1776 of an apoplectic fit which came upon him while walking the streets of Williamsburg. I ought to have stated in the notice of Bland that he was attending the session of the General Assembly at the time, and was chairman of the select committee which reported Mr. Jefferson's celebrated bill "to enable tenants in taille to convey their lands in fee simple." He was the first member of the Convention who died, having departed within four months after the adjournment. Judge Blair died in Williamsburg on the thirty-first of August 1800, aged 69. Col. Archibald Cary died at Ampthill in 1786 between 60 and 70, and Col. Nicholas at his seat in Hanover where he was spending the summer in 1780 in or near his 65th year. The date of the birth of Cary and Nicholas I have sought in vain, and it is probable that I have made Nicholas older than he was. Benjamin Watkins died about 1780, it is believed, between 60 and 70. Patrick Henry died on the sixth of June, 1799, aged 63 years and ten days, of a disease of the bladder which modern science might probably have relieved. Richard Henry Lee died in his sixty-second year. His brother Thomas Ludwell, a member of the Convention from the county of Stafford, and one of the Revisors, died in his 47th year. Judge Tazewell died in Philadelphia in 1799 in his forty-sixth year. James Mercer died in 1793 beyond middle life. Thomas Nelson died in 1789, aged 50. W. R. Wilson Curle died before the close of the war somewhat beyond middle age. Merriwether Smith, and Henry Lee of Prince William (not Legion Harry)

died at an age considerably advanced. Edmund Randolph died on the twelfth of September 1813 in the county of Frederic, now Page, aged 60 years, one month and three days. He was stricken with palsy, the disease of his race, his son having been stricken with the same disease in the life-time of his father. Peyton Randolph, the president of the Convention until July 1775, also died of palsy in his 52nd year, "having been seized while dining at Mr. Harry Hall's in Philadelphia, and dying before nine the same night." (Washington's Writings Vol. III, 140, note.) The father of Peyton died in his 44th year, and the brother of Peyton, John, the Atorney General, died in England about his 56th year as near as I can determine.

In another place I have alluded to the lofty stature of the members of the early Conventions. Washington who was a member of the Conventions of August 1774 and of March 1775, the Lewises, the Randolphs, George Mason, Pendleton, the Cabells, the Carringtons, Henry, Bland, the Lees, Jefferson, the Campbells, Blair, Tazewell, were nearly all fully six feet, and some of them above that mark. Wythe and Madison were small; although Mr. Jefferson represents Wythe as of middle size in early manhood. He appeared small in old age. Madison was probably the only very small man in the Convention of 1776. Of a later date, Marshall and Monroe were tall. Innis was probably the largest man in the Union. The Conqueror of Mexico overtops his fellow-mortals in stature as well as in military fame. It was for a long time believed in England that the Virginians approached the gigantic. When a British officer who was taken by Manning at Eutaw, reached England, he reported that he was seized by "a huge Virginian." Manning, however, as I was told by one who knew him, was rather below than above the middle stature.

Red hair was another peculiarity of the Virginians. One who saw the Virginia troops pass through Petersburg on their way to join the army of Greene, told my informant that two-thirds of the officers had red hair. Jefferson, Campbell, the hero of King's Mountain, Arthur Campbell, John Taylor of Caroline, many of the valiant race of Green, had red hair. It would seem that the red hair flamed more in the field than in the cabinet. The hair of Patrick Henry was sandy I am inclined to think, although no member of his family could remember its color, as he was bald in early life, wearing a wig abroad and a linen cap at home. George Mason in early life was as swarthy and had as black eyes and black hair as Charles the Second whom his ancestor sustained in the bloody field of Worcester. Carrington, I am disposed to believe, had sandy hair, approaching to red.

The following counties are called in honor of members of the Convention of 1776:

Harrison, Jefferson, Madison, Mason, Nelson, Patrick and Henry, (after Patrick Henry,) Pendleton, Randolph, (after Edmund,) Russell, Tazewell, and Wood.

The following counties bear the names of members of the Convention but are called as follows:

Cabell after the late Judge W. H. Cabell, Campbell after Gen. Wm. Campbell, Lewis after Col. Charles Lewis who fell at Point Pleasant, the brother of

Thomas and Andrew, Mercer after Gen. Hugh Mercer, Page, after Gov. John Page, Scott after Gen. Winfield Scott, Lee after Gen. Henry Lee, and Taylor after John Taylor of Caroline, or Gen. Robert B. Taylor of Norfolk, or, if I remember the debate on the name rightly, after both. Neither Peyton Randolph nor Richard Henry Lee have been commemorated in our list of counties.

In dispatching this last proof to the press, it may be well enough to inform the reader that much of this discourse was passed over in the delivery. The debatable parts, as the Mecklenburg Declaration, the North Carolina resolution of independence, and the peculiar views respecting the Cavalier, were either explicitly stated in substance or in full; but most of the biographical details were necessarily omitted. I regret on looking back that I have passed over so many names which merit a lasting remembrance. The gallant services of Col. Arthur Campbell deserves a deliberate record. His position in the Convention was most commanding. Col. Christian, who was a member of the March and July Conventions of 1775 had retired to lead the expedition against the Cherokees, and Col. Campbell was the best informed man in the body on Indian affairs—a subject of the highest importance when it was known that the great object of the British Government was to kindle an Indian war on our frontiers. Col. Campbell afterwards succeeded Col. Christian in the command of the army against the Indians. At the close of the war he removed to Kentucky, then a part of Virginia, where he spent the remainder of his life. It was his son who commanded the right wing of the army under Gen. Scott at the battle of Chippewa, where he fell. The names of Gen. William Russell, of Gov. Wood, of Samuel McDowell, of Harvie and Simms, of Bowyer and Lockart, and of others who came from the Valley and from the Peidmont region, merit a fuller notice than I have been able to give them. In many cases I knew not who was their representative, to whom I might write; for books afforded very little information respecting any of my subjects; and the time for the delivery of the discourse was rapidly drawing near. A list of the members will be found in the Appendix, and I particularly request that the descendant or representative, or friend of any one of them will consider this notice as a letter expressly addressed to him with an earnest solicitation for the details of the lives and characters of the members. As this discourse will probably be republished with the discourse on the Virginia Convention of 1829-30 already delivered, and with the discourse on the Convention of 1788, which I have been requested by the Virginia Historical Society to prepare, it would afford me great pleasure to publish as full details of the lives of the members as my limits will allow. I would also make the same request of those who represent the members of the Convention of 1788. My address from the first of November to the first of June is Norfolk, and from the first of June to the first of November Charlotte C. H. Va.

December 12, 1855.—It is due to the reputation of Pendleton, Henry, and Nelson, to state a fact which I accidentally discovered some days ago in the Virginia Gazette of Nov. 2, 1803. It is there reported that Edmund Randolph in his address at the funeral of Pendleton stated that the resolution instructing

our Delegates in Congress to declare independence was drawn by Pendleton, was offered in Convention by Nelson, and was advocated on the floor by Henry.

In a note on page 68, John Nicholas is inadvertently stated to have represented New York in Congress. He did not re-enter Congress after leaving Virginia.

APPENDIX.

A list of the members of the Convention of Virginia which begun its sessions in the City of Williamsburg on Monday the sixth of May, 1776, as copied from the Journal:

ACCOMAC, Southey Simpson and Isaac Smith, Esquires.
ALBEMARLE, Charles Lewis Esquire, and George Gilmer for Thomas Jefferson, Esquire.
AMELIA, John Tabb and John Winn, Esquires.
AUGUSTA, Thomas Lewis and Samuel McDowell, Esquires.
WEST AUGUSTA, John Harvie and Charles Simms, Esquires.
AMHERST, William Cabell and Gabriel Penn, Esquires.
BEDFORD, John Talbot and Charles Lynch, Esquires.
BOTETOURT, John Bowyer and Patrick Lockhart, Esquires.
BRUNSWICK, Frederic Maclin and Henry Tazewell, Esquires.
BUCKINGHAM, Charles Patteson and John Cabell, Esquires.
BERKELEY, Robert Rutherford and William Drew, Esquires.
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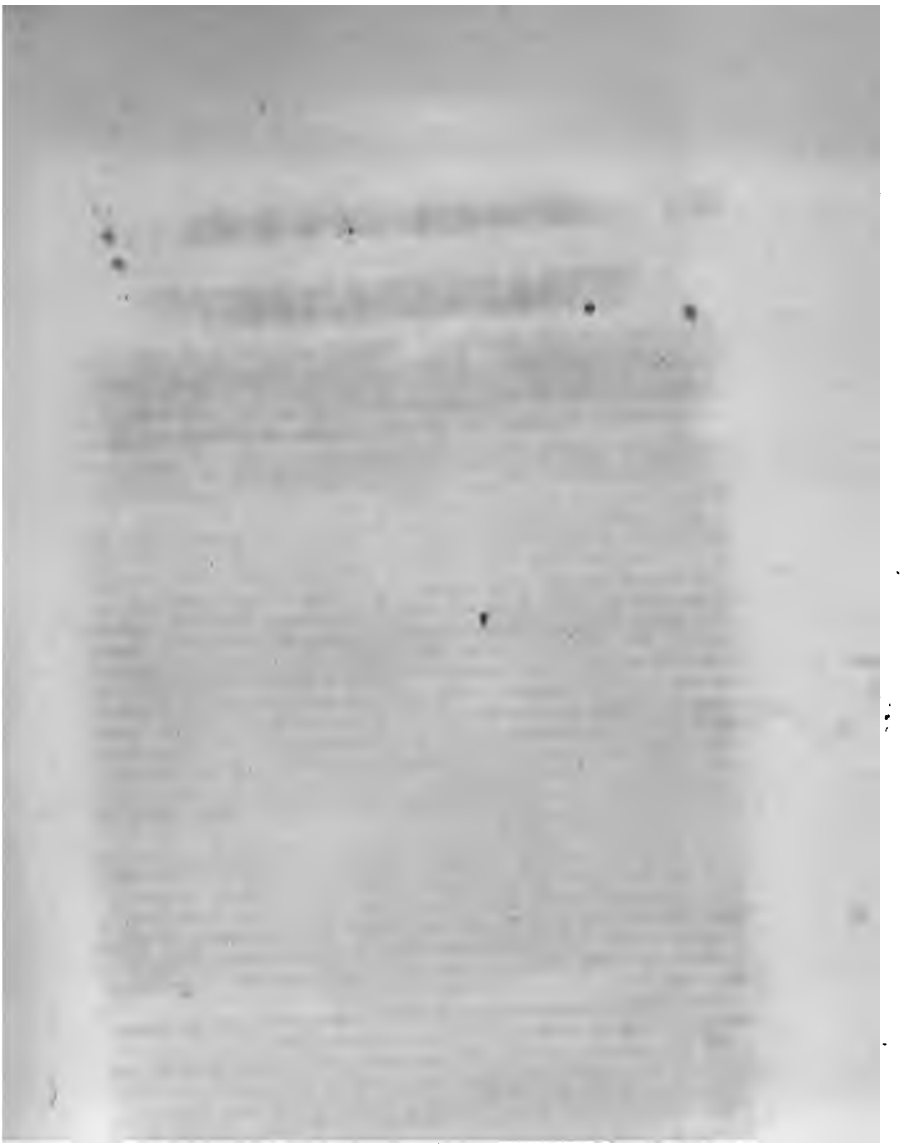

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